Overview

This bill requires a customer's prior consent, with certain limited exceptions, before a telecommunications service provider may disclose or permit access to a customer's information. A telecommunications provider is not prohibited from disclosing customer information where required by law, where necessary to provide the telecommunications service, where necessary for billing and other related purposes, where lawfully requested by a government entity, and in other limited circumstances. For purposes of this bill, a "telecommunications service provider" includes local telephone companies, long distance telephone companies, cellular telephone companies, and any other providers of telecommunications services as defined in the bill.

1 Definitions. Defines terms used in the bill. Terms include:

Customer information - individually identifiable information about a customer that is available to a telecommunications service provider serving the customer, including information regarding the identity of persons called or from whom calls are received, length and dates of calls, account balances, bank account information, payment records, transaction histories and credit information. Aggregate information and subscriber list information is not customer information.

Telecommunications - means the transmission of information of the user's choosing without change in form or content between or among points specified by the user. This definition is the same as the definition of this term used in federal law.

Telecommunications service - means the offering of telecommunications for a fee directly to the public regardless of facilities used and any other services subject to chapter 237. This definition is based on the federal definition of the same term but is expanded to include any other services subject to chapter 237, governing telephone and telecommunications services.

Telecommunications service provider - means any provider of telecommunications
service including local telephone companies, long distance telephone companies, and cellular telephone companies.

2 Privacy of customer information.

Subd. 1. Duty of confidentiality. Prohibits a telecommunications service provider from disclosing or permitting access to customer information, except as required by law, or with the specific, express, prior consent of the customer.

Permits a telecommunications service provider to disclose or permit access to customer information in its provision of: (1) the telecommunications service from which the private information is derived; or (2) services necessary to provide that telecommunications service, as long as the entity receiving the information complies with the requirements of this bill.

Subd. 2. Exceptions. Provides that a telecommunications service provider is not prohibited from disclosing or permitting access to customer information:

if necessary to initiate, render, bill or collect for telecommunications services;
if necessary to protect the rights or property of the telecommunications service provider or to protect other user's of the telecommunications service provider's services and other providers from fraudulent, abusive, or unlawful use of or subscription to telecommunications services;
if requested by a government entity pursuant to any lawful authority or process; and
to an affiliate of the telecommunications service provider for the purpose of providing telecommunications services to the customer, if the affiliate complies with the provisions of this bill.

Subd. 3. Government data. Provides that customer information obtained by a government authority from a telecommunications service provider is considered private data as defined in the Government Data Practices Act, unless specifically classified otherwise by another law.

Provides that long-distance bills of the state or a political subdivision are public data.

Subd. 4. Aggregate customer information. Requires that any disclosure of aggregate customer information by a telecommunications service provider be made on reasonable and nondiscriminatory terms and conditions.

Customer notice and consent for disclosure. Requires a telecommunications service provider to notify a customer of the customer's right to control disclosure of and access to the customer's private information. Specifies that the notice must be given prior to an initial request for release of customer information and the notice must be provided directly in writing to the customer.

Provides that a customer's consent to release information must be in writing and signed by the customer or by electronic means. Requires the public utilities commission, within 120 days of enactment of the bill, to develop and issue by order a means for a customer to consent electronically to disclosure of customer information. Requires that the consent must be contained on a separate page that clearly and conspicuously discloses the time during which the consent is effective and the customer information that may be disclosed.

Subscriber list information. Directs the public utilities commission to require a telecommunications service provider that provides local telecommunications services to provide subscriber list information to any person for the purpose of publishing telephone directories to the extent required by federal law. The information must be provided on an unbundled basis under nondiscriminatory and reasonable rates, terms, and conditions.

Provides that subscriber list information means the list of names of subscribers of a telecommunications service provider and the subscribers' telephone numbers and addresses that
the telecommunications service provider, or an affiliate, has published or accepted for publication in any directory format. Clarifies that information about a subscriber that has requested to not to be listed in a directory is not subscriber list information.

5 **Authority of the commission.** Authorizes the public utilities commission, by order or rule, to allow a competitive local exchange carrier access to: (1) aggregate information regarding telecommunications services provided in a market: and (2) the characteristics and capabilities of telecommunications facilities used to provide telecommunications services to the customer. Requires the commission to first find that access is necessary to promote fair and reasonable competition for local telecommunications service. Provides that a telecommunications service provider that obtains information pursuant to this section may only disclose or permit access to that information in accordance with the requirements of this bill.

6 **Effective date.** Provides that sections 1 to 5 are effective the day following final enactment.