

SUBJECT: Prohibiting disclosure of wireless telecommunications customer data

COMMITTEE: Regulated Industries — favorable, without amendment

VOTE: 6 ayes — P. King, Christian, Crabb, Hartnett, Oliveira, Straus

0 nays

3 absent — Turner, Smithee, Swinford

SENATE VOTE: On final passage, March 14 — 30-0, on Local and Uncontested Calendar

WITNESSES: For — (*Registered, but did not testify*: Rebecca Bernhardt, American Civil Liberties Union of Texas; Velma Cruz Silva, Sprint Nextel; Thomas E. “Smitty” Smith, Public Citizen)

Against — None

On — Bryan Gonterman, AT&T

DIGEST: SB 225 would prohibit a person from selling, disclosing, or attempting to sell or disclose a customer's wireless telecommunications customer information without the customer's consent. The bill also would prohibit a person from obtaining or attempting to obtain a customer's wireless telecommunications information through fraud or misrepresentation.

"Wireless telecommunications customer information" would be defined as credit information and call record information identifiable to a specific customer, including:

- minutes used;
- the time, date, and duration of calls; and
- rate information.

A person who violated the bill would be liable for a civil penalty of \$5,000 for each customer whose information was included in a violation. The attorney general could sue to collect the penalty.

The bill would not prohibit the disclosure of wireless telecommunications customer information in a directory with the consent of a customer or as specifically provided by other law. The bill would not prohibit lawful disclosure or acquisition of information by a law enforcement agency. The bill would not prohibit disclosure of information by a commercial mobile service provider in connection with:

- the sale of the provider's business;
- the acquisition of another provider's business; or
- the migration of a customer from one provider to another.

The bill would take effect September 1, 2007.