

CPNI SUPPORT STATEMENT

The operating procedures of NaturallySpeaking are designed to ensure compliance with the CPNI rules applicable to them. Such procedures are as follows.

CPNI Use

- (1) We use, disclose or permit access to CPNI to protect our rights and property, our Customers, and other carriers from fraudulent, abusive or unlawful use of, or subscription to, our services.
- (2) We use, disclose or permit access to CPNI to provide or market service offerings among the categories of service – local, and interexchange - to which the Customer already subscribes. When we provide different categories of service, and a Customer subscribes to more than one service category, we share the Customer’s CPNI with the affiliate that provides service to the Customer; but if a Customer subscribes to only one service category, we do not share the customer’s CPNI with an affiliate without the Customer’s approval.
- (3) We use, disclose or permit access to CPNI derived from our provision of local exchange or interexchange service for the provision of CPE and call answering, voice mail or messaging, voice storage and retrieval services, fax store-and-forward, and protocol conversion, without Customer approval.
- (4) Without Customer approval, we do not use, disclose or permit access to CPNI to provide or market service offerings within a category of service to which the Customer does not already subscribe, except that we use, disclose or permit access to CPNI to: (a) provide inside wiring installation, maintenance and repair services; and (b) market, when we provide local service or interexchange services formerly known as adjunct-to-basic services such as, but not limited to, speed dialing, computer-provided directory assistance, all monitoring, call tracing, call blocking, call return, repeat dialing, call tracking, call waiting, caller ID, call forwarding, and certain Centrex features.
- (5) We do not use, disclose or permit access to CPNI to identify or track Customers that call competing service providers. For example, as a local exchange carrier, we do not use local service CPNI to track Customers that call local service competitors.

Support Statement (Cont'd)

CPNI Approvals

- (1) When Customer approval to use, disclose or permit access to Customer CPNI is required, we obtain approval through written, oral or electronic methods. If we rely on oral approval, we understand we bear the burden of demonstrating that such approval was given in compliance with the CPNI rules. We honor a Customer's approval or disapproval until the Customer revokes or limits such approval or disapproval. We maintain all records of Customer approvals for at least one year.
- (2) Subject to "opt-out" approval requirements, we use a Customer's individually identifiable CPNI to market communications-related services to that Customer, and we disclose that CPNI to our affiliates that provide communications-related services. We also allow these to obtain access to such CPNI to market communications-related services.
- (3) If we disclose or allow access to Customers' individually identifiable CPNI to our joint ventures or independent contractors, we will require, in order to safeguard that information, their entry into confidentiality agreements that: (a) require their use of the CPNI only for the purpose of marketing or providing the communications-related services for which the CPNI has been provided; (b) disallow their permitting any other party to use, allow access to, or disclose the CPNI to any other party, unless they are required to make disclosure under force of law; and (c) require that they have in place appropriate protections to ensure the ongoing confidentiality of the CPNI.

CPNI Notice Requirements

- (1) We individually notify and inform each Customer of his or her right to restrict the use or disclosure of, and access to, CPNI along with a solicitation of approval, and we maintain records of that notification, whether oral or written, for at least one year.
- (2) Our notifications provide information sufficient to enable our Customers to make informed decisions as to whether to permit the use or disclosure of, or access to, their CPNI. Our notifications: (a) contain a statement that the Customer has a right, and we have a duty, under federal law, to protect the confidentiality of CPNI; (b) specify the types of information that constitute CPNI and the specific entities that will receive CPNI, describe the purposes for which the CPNI will be used, and inform the Customer of his or her right to disapprove those uses and deny or withdraw access to CPNI use at any time. With regard to the latter, we indicate that any approval, or disapproval, will remain in effect until the Customer affirmatively revokes or limits such approval or denial.
- (3) We advise the Customer of the precise steps the Customer must take in order to grant or deny access to CPNI, and we clearly state that a denial of approval will not affect the provision of any services to which the Customer subscribes. However, we may provide a brief statement, in clear and neutral language, that describes the consequences directly resulting from the lack of access to CPNI. In addition, we may state that the Customer's consent to use his or her CPNI may enhance our ability to offer products and services tailored to meet the Customer's needs and that we will disclose the Customer's CPNI to any person upon the affirmative written request of the Customer.

- (4) Our notifications are comprehensible and not misleading and, if written, are legible, sufficiently in large type, and placed in an area readily apparent to the Customer. And, if any portion of a notification is in another language, all portions of the notification will be in that language.
- (5) We do not include in the notification any statement that attempts to encourage a Customer to freeze third-party access to CPNI.
- (6) For “opt-out” approvals, our notifications satisfy (1) – (5). We do not use oral notifications except to obtain limited, one-time use of CPNI for inbound and outbound customer telephone contacts for the duration of the call. When we use oral notice in this manner, we comply with (1) – (5), except that, if none of the following situations are relevant to the limited use for which we seek CPNI, we will not: (a) advise Customers, if they have opted out previously, that no action is needed to maintain the “opt-out” election; (b) advise Customers that we may share CPNI with our named or unnamed affiliates or third parties if the limited CPNI usage does not result in use by, or disclosure to, an affiliate or third party; (c) disclose the means by which a Customer can deny or withdraw future access to CPNI, so long as we explain that the scope of the approval is limited to one-time use; and (d) disclose the precise steps a Customer must take to grant or deny access to CPNI, so long as we clearly communicate that the Customer can deny access to his or her CPNI for the call.
- (7) In addition, for “opt-out” approvals, we wait at least 30 days after giving Customers notice and an opportunity to opt-out before assuming Customer approval to use, disclose, or permit access to CPNI and notify Customers of the applicable waiting period for a response before approval is assumed. For electronic notifications, we recognize that the waiting period begins to run on the date the notification is sent and, for mail notifications, it begins to run on the third day following the date the notification was mailed. For e-mail opt-out notices, in addition to other requirements, we: (a) obtain express, verifiable, prior approval to send notices by e-mail regarding their service in general or their CPNI, in particular; (b) allow Customers to reply directly to e-mails in order to opt-out; (c) use another means of communicating the notice if the e-mail is returned as undeliverable before considering the Customer to have received notice; and (d) ensure that the subject line in the e-mail clearly and accurately identifies the subject matter of the e-mail.
- (8) In addition, for “opt-out” approvals, we provide notices to our customers every two years, and we make available to every customer a method to opt-out that is of no additional cost to the Customer and is available 24 hours a day, seven days a week. We may satisfy this requirement through a combination of methods, but we allow Customers to opt-out at no cost and whenever they choose.
- (9) For “opt-in” approvals, we provide notification to Customers through oral, written or electronic methods that satisfy the requirements of (1) – (5).

CPNI Safeguards

- (1) We have implemented a system by which the status of a Customer's CPNI approval can be clearly established prior to the use of the CPNI.
- (2) We have trained our personnel as to when they are, and are not, authorized to use CPNI, and we have an express disciplinary process in place to deal with employee failures.
- (3) We maintain a record of our own and our affiliates' sales and marketing campaigns that use Customers' CPNI. The record includes a description of each campaign, the specific CPNI that was used in the campaign, and what products and services were offered as part of the campaign. We retain these records for at least one year.
- (4) We have established a supervisory review process regarding compliance with the CPNI rules for outbound marketing situations and we maintain compliance records for at least one year. Specifically, our sales personnel obtain supervisory approval of any proposed outbound marketing request for customer approval of the use of CPNI.
- (5) We have a corporate officer who acts as agent for the Company and signs a compliance certificate on an annual basis stating that the officer has personal knowledge that the Company has established operating procedures adequate to ensure compliance with applicable CPNI rules. We provide a Statement accompanying the Certificate that explains our operating procedures and demonstrates compliance with the CPNI rules.
- (6) We are prepared to provide written notice within five business days to the FCC of any instance where the opt-out mechanisms do not work properly to such a degree that consumers' inability to opt-out is more than an anomaly. That notice would be in the form of a letter and would include the Company's name, a description of the opt-out mechanism(s) used, the problem(s) experienced, the remedy proposed and when it would be/was implemented, whether relevant state commission(s) were notified and what action was taken, a copy of any notice provided to customers, and contact information. We would submit the notice even if other methods by which consumers may opt-out were offered.

CPNI DEFINITIONS

Employee: a person hired to perform work on behalf of the company. The employee is either directly employed by the Company or is employed by an Affiliate of the company and is performing work on behalf of, and charging time to, the accounts of the company.

Telecommunications Carriers: includes telephone companies, wireline carriers, and service providers, local exchange carriers, interexchange carriers, competitive access providers, operator service providers, telephone operators, wireless carriers, cellular service carriers, mobile service carriers, broadband PCS licenses, SMR licensees, and resellers. All rules regarding CPNI apply to all telecommunications carriers. This does not include aggregators of telecommunications services

Telecommunications Services: distinct telecommunications offerings of a telecommunications carrier which can be further classified into one of the three “service” groups as defined within, and for the sole purpose of, these CPNI rules. The following are related service group categories:

- Local exchange service,
- Toll service, or
- Commercial Mobile Radio Service (CMRS).

Customer Premise Equipment (CPE): any equipment employed on the premises of a person to originate, route, or terminate telecommunications.

Customer Proprietary Network Information (CPNI): the information that is extremely personal to customers as well as commercially valuable to carriers. This includes such information as to whom, where and when a customer places a call, as well as the types of service offerings to which the customer subscribes and the extent to which the service is used.

Aggregate Customer information: the collective data that relates to a group or category of services or customers from which individual customer identities and characteristics have been removed.

Subscriber List Information: although contains individually identifiable information, it is defined in terms of public (not private) information including the listed names, numbers, addresses or classifications that the carrier or an affiliate has published, caused to be published or accepted for publication in any directory format.

Information Services: involve the offering of a capability for generating, acquiring, storing, transforming, processing, retrieving, utilizing, or making available information via telecommunications. This includes such services as call answering, voice mail or messaging, voice storage and retrieval services, fax store and forward and Internet access services. These are services that are provided to consumers independent of their telecommunications service and are not necessary to the provision of the customer's telecommunications service.

Customer information: there are three categories of customer information to which different privacy and carrier obligations apply:

- Individually identifiable CPNI
- Aggregate customer information
- Subscriber list information

Services which cannot be classified into one of the three groupings listed in this section of the rules, such as yellow-page listings or CPE sales, are not telecommunications services. As such, use of CPNI to market such non-telecommunications services is prohibited unless notification and authorization by customers has been secured

NOTE: The definitions of the terms "employee" and "service" as used for the purpose(s) defined within this section of the Company policy manual are used solely for the purpose(s) defined within this section of the policy manual and have no effect on the terms "employee" or "service" as those terms may be used in other sections of this manual, or other company documents.

CPNI FCC RULES

47 CFR Part 64-- MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

Subpart U -Customer Proprietary Network Information

§64.2001 Basis and Purpose.

(a) **Basis.** These rules in this subpart are issued pursuant to the Communications Act of 1934, as amended.

(b) **Purpose.** The purpose of these rules in this subpart is to implement section 222 of the Communications Act of 1934, as amended, 47 U.S.C. 222.

§64.2003 Definitions.

Terms used in this subpart have the following meanings:

(a) **Account information.** Account information" is information that is specifically connected to the customer's service relationship with the carrier, including such things as an account number or any component thereof, the telephone number associated with the account, or the bill's amount.

(b) **Address of record.** An "address of record," whether postal or electronic, is an address that the carrier has associated with the customer's account for at least 30 days.

(c) **Affiliate.** An affiliate is an entity that directly or indirectly owns or controls, is owned or controlled by, or is under common ownership or control with, another entity.

(d) **Call detail information.** Any information that pertains to the transmission of specific telephone calls, including, for outbound calls, the number called, and the time, location, or duration of any call and, for inbound calls, the number from which the call was placed, and the time, location, or duration of any call.

(e) **Communications-related services.** The term "communications-related services" means telecommunications services, information services typically provided by telecommunications carriers and services related to the provision or maintenance of customer premises equipment.

(f) **Customer.** A customer of a telecommunications carrier is a person or entity to which the telecommunications carrier is currently providing service.

(g) **Customer proprietary network information (CPNI).** Customer proprietary network information (CPNI) is:

- (1) information that relates to the quantity, technical configuration, type, destination, and amount of use of a telecommunications service subscribed to by any customer of a telecommunications carrier, and that is made available to the carrier by the customer solely by virtue of the customer-carrier relationship;
- (2) information contained in the bills pertaining to telephone exchange service or telephone toll service received by a customer of a carrier. Customer proprietary network information does not include subscriber list information.

(h) Customer premises equipment (CPE). Customer premises equipment (CPE) is equipment employed on the premises of a person (other than a carrier) to originate, route, or terminate telecommunications.

(i) Information services typically provided by telecommunications carriers. The phrase “information service typically provided by telecommunications carriers” means only those information services that are typically provided by telecommunications carrier, such as Internet access or voice mail services that offer a capability for generating, acquiring, storing, transforming, processing, retrieving, utilizing, or making available information via telecommunications and includes electronic publishing, but does not include any use of any such capability for the management, control, or operation of a telecommunications system or the management of a telecommunications service.

(j) Local exchange carrier (LEC). A local exchange carrier (LEC) is any person that is engaged in the provision of telephone exchange service or exchange access. For purposes of this subpart, such term does not include a person insofar as such person is engaged in the provision of commercial mobile service under 47 U.S.C. 332(c).

(k) Opt-In Approval. The term “opt-in approval” refers to a method for obtaining customer consent to use, disclose, or permit access to the customer’s CPNI. This approval method requires that the carrier obtain from the customer affirmative, express consent allowing the requested CPNI usage, disclosure or access after the customer is provided appropriate notifications of the carrier’s request consistent with the requirements set forth in this subpart.

(l) Opt-Out Approval. The term “opt-out approval” refers to a method for obtaining customer consent to use, disclose, or permit access to the customer’s CPNI. Under this approval method, a customer is deemed to have consented to the use, disclosure, or access to the customer’s CPNI if the customer has failed to object thereto within the waiting period after the customer is provided appropriate notification of the carrier’s request for consent.

(m) Readily available biographical information. “Readily available biographical information” is information drawn from the customer's life history and includes such things as the customer's social security number, or the last four digits of that number; mother's maiden name; home address; or date of birth.

(n) Subscriber list information (SLI). Subscriber list information (SLI) is any information:

- (1) identifying the listed names of subscribers of a carrier and such subscribers telephone numbers, addresses, or primary advertising classifications (as such classifications are assigned at the time of the establishment of such service), or any combination of such listed names, numbers, addresses, or classifications;
- (2) that the carrier or an affiliate has published, caused to be published, or accepted for publication in any directory format.

(o) Telecommunications carrier. A telecommunications carrier is any provider of telecommunications services, except that such term does not include aggregators of telecommunications services (as defined in 47 U.S.C. 226(a) (2)).

(p) Telecommunications service. The term “telecommunications service” has the same meaning given to such term in section 3(46) of the Communications Act of 1934, as amended, 47 U.S.C. 153(46).

(q) Telephone number of record. The telephone number associated with the underlying service, not the telephone number supplied as a customer's “contact information.”

(r) Valid photo ID. A “valid photo ID” is a government-issued means of personal identification with a photograph such as a driver's license, passport, or comparable ID that is not expired.

§64.2005 Use of Customer Proprietary Network Information without Customer Approval

(a) Any telecommunications carrier may use, disclose, or permit access to CPNI for the purpose of providing or marketing service offerings among the categories of service (i.e., local, interexchange, and CMRS) to which the customer already subscribes from the same carrier, without customer approval.

- (1) If a telecommunications carrier provides different categories of service and a customer subscribes to more than one category of service offered by the carrier, the carrier is permitted to share CPNI among the carrier's affiliated entities that provide a service offering to the customer.

- (2) If a telecommunications carrier provides different categories of service, but a customer does not subscribe to more than one offering by the carrier, the carrier is not permitted to share CPNI among the carrier's affiliated entities.

(b) A telecommunications carrier may not use, disclose, or permit access to CPNI to market to a customer service offerings that are within a category of service to which the customer does not already subscribe from that carrier, unless the carrier has customer approval to do so, except as described in paragraph (c) of this section.

- (1) A telecommunications carrier may use, disclose, or permit access to CPNI derived from its provision of local service, interexchange service, or CMRS, without customer approval, for the provision of CPE and information services, including call answering, voice mail or messaging, voice storage and retrieval services, fax store and forward, and Internet access services.

- (2) A telecommunications carrier may not use, disclose, or permit access to CPNI to identify or track customers that call competing service providers. For example, a local exchange carrier may not use local service CPNI to track all customers that call local service competitors.
- (c) A telecommunications carrier may use, disclose, or permit access to CPNI, without customer approval, as described in this subparagraph.
 - (1) A telecommunications carrier may use, disclose, or permit access to CPNI, without customer approval, in its provision of inside wiring installation, maintenance, and repair services.
 - (2) CMRS providers may use, disclose, or permit access to CPNI for the purpose of conducting research on the health effects of CMRS.
 - (3) LECs and CMRS providers and entities that provide interconnected VoIP service may use CPNI, without customer approval, to market services formerly known as adjunct-to-basic services, such as, but not limited to, speed dialing, computer-provided directory assistance, call monitoring, call tracing, call blocking, call return, repeat dialing, call tracking, call waiting, caller I.D., call forwarding, and certain Centrex features.
- (d) A telecommunications carrier may use, disclose, or permit access to CPNI to protect the rights or property of the carrier, or to protect users of those services and other carriers from fraudulent, abusive or unlawful use of, or subscription to, such services.

§64.2007 Approval required for Use of CPNI

- (a) A telecommunications carrier may obtain approval through written, oral or electronic methods.
 - (1) A telecommunications carrier relying on oral approval shall bear the burden of demonstrating that such approval has been given in compliance with the Commission's rules.
 - (2) Approval or disapproval to use, disclose, or permit access to a customer's CPNI obtained by a telecommunications carrier must remain in effect until the customer revokes or limits such approval or disapproval.
 - (3) A telecommunications carrier must maintain records of approval, whether oral, written or electronic, for at least one year.
- (b) Use of Opt-out and Opt-In Approval Processes. A telecommunications carrier may, subject to opt-out approval or opt-in approval, use its customer's individually identifiable CPNI for the purpose of marketing communications-related services to that customer. A telecommunications carrier may, subject to opt-out approval or opt-in approval, disclose its customer's individually identifiable CPNI, for the purpose of marketing communications-related services to that

customer, to its agents and its affiliates that provide communications-related services. A telecommunications carrier may also permit such persons or entities to obtain access to such CPNI for such purposes. Except for use and disclosure of CPNI that is permitted without customer approval under section Sec. 64.2005, or that is described in this paragraph, or as otherwise provided in section 222 of the Communications Act of 1934, as amended, a telecommunications carrier may only use, disclose, or permit access to its customer's individually identifiable CPNI subject to opt-in approval.

- (1) Joint Venture/Contractor Safeguards. A telecommunications carrier that discloses or provides access to independent contractors shall enter into confidentiality agreements with independent contractors or joint venture partners that comply with the following requirements. The confidentiality agreement shall:
 - (i) Require that the independent contractor or joint venture partner use the CPNI only for the purpose of marketing or providing the communications-related services for which that CPNI has been provided;
 - (ii) Disallow the independent contractor or joint venture partner from using, allowing access to, or disclosing the CPNI to any other party, unless required to make such disclosures under force of law; and
 - (iii) Require that the independent contractor or joint venture partner have appropriate protections in place to ensure the ongoing confidentiality of consumer's CPNI.
- (2) Except for use and disclosure of CPNI that is permitted without customer approval under section 64.2005 or that is described in paragraph (b)(1) of this section, or as otherwise provided in Section 222 of the Communications Act of 1934, as amended, a telecommunications carrier may only use, disclose, or permit access to its customer's individually identifiable CPNI subject to opt-in approval

§64.2008 Notice required for use of CPNI

(a) Notification generally:

- (1) Prior to any solicitation for customer approval, a telecommunications carrier must provide a one-time notification to the customer of the customer's right to restrict use of, disclosure of, and access to that customers CPNI.
 - (2) A telecommunications carrier must maintain records of notification, whether oral or electronic, for at least one year.
- (b) Individual notice to customers must be provided when soliciting approval to use, disclose or permit access to customer's CPNI.
- (c) Content of notice. Customer notification must provide sufficient information to enable the customer to make an informed decision as to whether to permit a carrier to use, disclose or permit access to the customer's CPNI.

- (1) The notification must state that the customer has a right, and the carrier a duty, under federal law, to protect the confidentiality of CPNI.
 - (2) The notification must specify the types of information that constitute CPNI and the specific entities that will receive the CPNI, describe the purposes for which CPNI will be used, and inform the customer of his or her right to disapprove those uses and deny or withdraw access to CPNI at any time.
 - (3) The notification must advise the customer of the precise steps the customer must take in order to grant or deny access to CPNI and must clearly state that a denial of approval will not affect the provision of any services to which the customer subscribes. However, carriers may provide a brief statement, in clear and neutral language, describing consequences directly resulting from the lack of access to CPNI.
 - (4) The notification must be comprehensible and not be misleading.
 - (5) If written notification is provided, the notice must be clearly legible, use sufficiently large type, and be placed in an area so as to be readily apparent to a customer.
 - (6) If any portion of a notification is translated into another language, then all portions of the notification must be translated into that language.
 - (7) A carrier may state in the notification that the customer's approval to use CPNI may enhance the carrier's ability to offer products and services tailored to the customer's needs. A carrier also may state in the notification that it may be compelled to disclose CPNI to any person upon affirmative written request by the customer.
 - (8) A carrier may not include in the notification any statement attempting to encourage a customer to freeze third-party access to CPNI.
 - (9) The notification must state that any approval, or denial of approval for the use of CPNI outside of the service to which the customer already subscribes from that carrier is valid until the customer affirmatively revokes or limits such approval or denial.
 - (10) A telecommunications carrier's solicitation for approval must be proximate to the notification of a customer's CPNI rights.
- (d) Notice Requirements Specific to Opt-Out. A telecommunications carrier, must provide notifications to obtain opt-out approval through electronic or written methods, but not by oral communication (except as provided in paragraph (f) of this section). The contents of any such notification must comply with the requirements of paragraph (c) of this section.
- (1) Carriers must wait a 30 day minimum period of time after giving customers notice and an opportunity to opt-out before assuming customer approval to use, disclose or permit access to CPNI. A carrier may, in its discretion, provide for a longer period. Carriers must notify customers as to the applicable waiting period for a response before approval is assumed.

- (i) In the case of an electronic form of notification, the waiting period shall begin to run from the date on which the notification was sent; and
 - (ii) In the case of notification, by mail, the waiting period shall begin to run on the third day following the date that the notification was mailed.
- (2) Carriers using the opt-out mechanism must provide notices to their customers every two years.
- (3) Telecommunications carriers that use e-mail to provide opt-out notices must comply with the following requirements in addition to the requirements generally applicable to notifications:
 - (i) Carriers must obtain express, verifiable, prior approval from consumers to send notices via e-mail regarding their service in general, or CPNI in particular;
 - (ii) Carriers must allow customers to reply directly to e-mails containing CPNI notices in order to opt-out;
 - (iii) Opt-out e-mail notices that are returned to the carrier as undeliverable must be sent to the customer in another form before carriers may consider the customer to have received notice;
 - (iv) Carriers that use e-mail to send CPNI notices must ensure that the subject line of the message clearly and accurately identifies the subject matter of the e-mail and;
 - (v) Telecommunication carriers must make available to every customer a method to opt-out that is of no additional cost to the customer and that is available 24 hours a day, seven days a week. Carriers may satisfy this requirement through a combination of methods, so long as all customer have the ability to opt-out at no cost and are able to effectuate that choice whenever they choose.
- (e) Notice Requirements Specific to Opt-In. A telecommunications carrier may provide notification to obtain opt-in approval through oral, written or electronic methods. The contents of any such notification must comply with the requirements of paragraph (c) of this section.
- (f) Notice Requirements Specific to One Time Use of CPNI.
 - (1) Carriers may use oral notice to obtain limited, one-time use of CPNI for inbound and outbound customer telephone contacts for the duration of the call, regardless of whether carriers use opt-out or opt-in approval based on the nature of the contact.
 - (2) The contents of any such notification must comply with the requirements of paragraph (c) of this section, except that telecommunications carrier may omit any of the following notices provisions if not relevant to the limited use for which the carrier seeks CPNI.

- (i) Carriers need not advise customers that if they have opted-out previously, no action is needed to maintain the opt-out election.
- (ii) Carriers need not advise customers that they may share CPNI with their affiliates or third parties, and need not name those entities, if the limited CPNI usage will not result in use by or disclosure to, an affiliate or third party.
- (iii). Carriers need not disclose the means by which a customer can deny or withdraw future access to CPNI, so long as carriers explain to customers that the scope of the approval the carrier seeks is limited to one-time use; and
- (iv). Carriers may omit disclosure of the precise steps a customer must take in order to grant or deny access to CPNI, as long as the carrier clearly communicates that the customer can deny access to his CPNI for the call.

§64.2009 Safeguards Required for Use of CPNI

- (a) Telecommunications carriers must implement a system by which that status of a customer's CPNI approval can be clearly established prior to the use of CPNI.
- (b) Telecommunications carriers must train their personnel as to when they are and are not authorized to use CPNI, and carriers must have an express disciplinary process in place.
- (c) Telecommunications carriers shall maintain a record, electronically or in some other manner of their own and their affiliate's sales and marketing campaigns that use their customers' CPNI. All carriers shall maintain a record of all instances where CPNI was disclosed or provided to third parties or where third parties were allowed access to CPNI. The record must include a description of each campaign, the specific CPNI that was used in the campaign, and what products and services were offered as a part of the campaign. Carriers shall retain the record for a minimum of one year.
- (d) Telecommunications carriers must establish a supervisory review process regarding carrier compliance with the rules in this subpart for outbound marketing situations and maintain records of carrier compliance for a minimum period of one year. Specifically, sales personnel must obtain supervisory approval of any proposed outbound marketing request.
- (e) A telecommunications carrier must have an officer, as an agent of the carrier, sign and file with the Commission a compliance certificate on an annual basis. The officer must state in the certification that he or she has personal knowledge that the company has established operating procedures that are adequate to ensure compliance with the rules in this subpart. The carrier must provide a statement accompanying the certificate explaining how its operating procedures ensure that it is or is not in compliance with the rules in this subpart. In addition, the carrier must include an explanation of any actions taken against data brokers and a summary of all customer complaints received in the past year concerning the unauthorized release of CPNI. This filing must be made annually with the Enforcement Bureau on or before March 1 in EB Docket No. 06-36, for data pertaining to the previous calendar year.

- (f) Carriers must provide written notice within 5 business days to the Commission of any instance where the opt-out mechanisms do not work properly, to such a degree that consumers' inability to opt-out is more than an anomaly.
 - (1) The notice shall be in the form of a letter and shall include the carrier's name, a description of the opt-out mechanism(s) used, the problem(s) experienced, the remedy proposed and when it will be/ was implemented. Whether the relevant state commission(s) have been notified and whether it has taken any action, a copy of the notice provided to customers, and contact information.
 - (2) Such notice must be submitted even if the carrier offers other methods by which consumers may opt-out.

Sec. 64.2010 Safeguards on the disclosure of customer proprietary network information.

- (a) *Safeguarding CPNI.* Telecommunications carriers must take reasonable measures to discover and protect against attempts to gain unauthorized access to CPNI. Telecommunications carriers must properly authenticate a customer prior to disclosing CPNI based on customer-initiated telephone contact, online account access, or an in-store visit.
- (b) *Telephone access to CPNI.* Telecommunications carriers may only disclose call detail information over the telephone, based on customer-initiated telephone contact, if the customer first provides the carrier with a password, as described in paragraph (e) of this section, that is not prompted by the carrier asking for readily available biographical information, or account information. If the customer does not provide a password, the telecommunications carrier may only disclose call detail information by sending it to the customer's address of record, or by calling the customer at the telephone number of record. If the customer is able to provide call detail information to the telecommunications carrier during a customer-initiated call without the telecommunications carrier's assistance, then the telecommunications carrier is permitted to discuss the call detail information provided by the customer.
- (c) *Online access to CPNI.* A telecommunications carrier must authenticate a customer without the use of readily available biographical information, or account information, prior to allowing the customer online access to CPNI related to a telecommunications service account. Once authenticated, the customer may only obtain online access to CPNI related to a telecommunications service account through a password, as described in paragraph (e) of this section that is not prompted by the carrier asking for readily available biographical information, or account information.
- (d) *In-store access to CPNI.* A telecommunications carrier may disclose CPNI to a customer who, at a carrier's retail location, first presents to the telecommunications carrier or its agent a valid photo ID matching the customer's account information.

- (e) Establishment of a Password and Back-up Authentication Methods for Lost or Forgotten Passwords. To establish a password, a telecommunications carrier must authenticate the customer without the use of readily available biographical information, or account information. Telecommunications carriers may create a back-up customer authentication method in the event of a lost or forgotten password, but such back-up customer authentication method may not prompt the customer for readily available biographical information, or account information. If a customer cannot provide the correct password or the correct response for the back-up customer authentication method, the customer must establish a new password as described in this paragraph.
- (f) Notification of account changes. Telecommunications carriers must notify customers immediately whenever a password, customer response to a back-up means of authentication for lost or forgotten passwords, online account, or address of record is created or changed. This notification is not required when the customer initiates service, including the selection of a password at service initiation. This notification may be through a carrier-originated voicemail or text message to the telephone number of record, or by mail to the address of record, and must not reveal the changed information or be sent to the new account information.
- (g) Business customer exemption. Telecommunications carriers may bind themselves contractually to authentication regimes other than those described in this section for services they provide to their business customers that have both a dedicated account representative and a contract that specifically addresses the carriers' protection of CPNI.

Sec. 64.2011 Notification of customer proprietary network information security breaches.

- (a) A telecommunications carrier shall notify law enforcement of a breach of its customers' CPNI as provided in this section. The carrier shall not notify its customers or disclose the breach publicly, whether voluntarily or under state or local law or these rules, until it has completed the process of notifying law enforcement pursuant to paragraph (b) of this section.
- (b) As soon as practicable, and in no event later than seven (7) business days, after reasonable determination of the breach, the telecommunications carrier shall electronically notify the United States Secret Service (USSS) and the Federal Bureau of Investigation (FBI) through a central reporting facility. The Commission will maintain a link to the reporting facility at <http://www.fcc.gov/eb/cpni>.
 - (1) Notwithstanding any state law to the contrary, the carrier shall not notify customers or disclose the breach to the public until 7 full business days have passed after notification to the USSS and the FBI except as provided in paragraphs (b)(2) and (b)(3) of this section.
 - (2) If the carrier believes that there is an extraordinarily urgent need to notify any class of affected customers sooner than otherwise allowed under paragraph (b)(1) of this section, in order to avoid immediate and irreparable harm, it shall so indicate in its notification and may proceed to immediately notify its affected customers only after consultation with the relevant investigating agency. The carrier shall cooperate with the relevant investigating agency's request to minimize any adverse effects of such customer notification.

- (3) If the relevant investigating agency determines that public disclosure or notice to customers would impede or compromise an ongoing or potential criminal investigation or national security, such agency may direct the carrier not to so disclose or notify for an initial period of up to 30 days. Such period may be extended by the agency as reasonably necessary in the judgment of the agency. If such direction is given, the agency shall notify the carrier when it appears that public disclosure or notice to affected customers will no longer impede or compromise a criminal investigation or national security. The agency shall provide in writing its initial direction to the carrier, any subsequent extension, and any notification that notice will no longer impede or compromise a criminal investigation or national security and such writings shall be contemporaneously logged on the same reporting facility that contains records of notifications filed by carriers.
- (c) *Customer notification.* After a telecommunications carrier has completed the process of notifying law enforcement pursuant to paragraph (b) of this section, it shall notify its customers of a breach of those customers' CPNI.
- (d) *Recordkeeping.* All carriers shall maintain a record, electronically or in some other manner, of any breaches discovered, notifications made to the USSS and the FBI pursuant to paragraph (b) of this section, and notifications made to customers. The record must include, if available, dates of discovery and notification, a detailed description of the CPNI that was the subject of the breach, and the circumstances of the breach. Carriers shall retain the record for a minimum of 2 years.
- (e) *Definitions.* As used in this section, a "breach" has occurred when a person, without authorization or exceeding authorization, has intentionally gained access to, used, or disclosed CPNI.
- (f) This section does not supersede any statute, regulation, order, or interpretation in any State, except to the extent that such statute, regulation, order, or interpretation is inconsistent with the provisions of this section, and then only to the extent of the inconsistency.