

June 16, 2017

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th St., SW
Washington, DC 20554

Re: WC Docket No. 17-130; EPIC et al petition for rulemaking to repeal 47 C.F.R. § 42.6 (“Retention of Telephone Toll Records”)

Dear Secretary Dortch,

Privacy Rights Clearinghouse (PRC) submits the following comments regarding the Electronic Privacy Information Center’s (EPIC) 2105 petition for a rulemaking to repeal the FCC’s rule requiring mandatory retention of telephone phone toll records for 18 months. PRC is a nonprofit organization focused on consumer privacy education and advocacy. Our mission is to engage, educate, and empower individuals to protect their privacy. We have served consumers nationwide since 1992, and directly communicate with individuals about their privacy-related questions, concerns, and complaints. This allows us to contribute a unique point of view to the discussion on privacy.

PRC joined EPIC’s 2015 petition, and we wish to express our continued support. We are particularly concerned with data breach risk and the inability for companies to compete for customers based on their privacy practices. PRC has tracked data breaches since 2005,¹ and we regularly advocate for strong data security and breach notification practices and requirements. The FCC’s existing rule counters the widely accepted best practice of data minimization. The premise of data minimization is to only collect personal information that is directly relevant and necessary to accomplish a specified purpose and retain it only as long as is needed to fulfill that purpose. When data is subject to lengthy retention requirements, individuals face an increased risk of becoming breach victims. In this case, the data contains sensitive information and the retention requirements no longer serve their intended purpose. We strongly advocate for the FCC to repeal 47 C.F.R. § 42.6.

Respectfully submitted,

Beth Givens, Executive Director
Meghan Land, Staff Attorney
Privacy Rights Clearinghouse
3033 5th Ave, Ste. 223
San Diego, CA 92103

¹ Privacy Rights Clearinghouse Chronology of Data Breaches, <https://www.privacyrights.org/data-breaches> (last visited June 15, 2017).