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VIA ELECTRONIC SUBMISSION

July 28, 2016

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Re: Reply Comments, Response to Initial Regulatory Flexibility Analysis; Protecting the Privacy of Customers of Broadband and Other Telecommunications Services, WC Docket No. 16-106.

Dear Ms. Dortch:

On July 26, 2016, Jeff Brueggeman, Gary Phillips, James Talbot, Jonathan Zimmerman and the undersigned of AT&T, and Jonathan Nuechterlein of Sidley Austin LLP, met with Matt DelNero, Lisa Hone, Sherwin Siy, David Brody and Melissa Kirkel of the Wireline Competition Bureau to discuss the Commission's broadband privacy proceeding. Ms. Kirkel participated via conference call. The discussion focused on the comments filed by AT&T and others regarding the proposed data security and breach reporting rules.

During the discussion, and without waiving any legal claims AT&T may have with regard to any rules the Commission may adopt in this proceeding, AT&T noted that any rules that are adopted should require providers to ensure the reasonable security of customer data, as suggested by the FTC staff and similar to the requirement of the current CPNI rules. This would allow providers to manage data security in line with prevailing industry standards by considering such factors as data sensitivity, cost and the seriousness of the threat or vulnerability. AT&T also noted that any breach reporting requirements should be limited to breaches of genuinely sensitive information that are likely to harm customers. A number of the proposed or suggested reporting requirements do not meet those criteria and would also likely lead to excessive noticing that would not be helpful to customers, such as those requiring the reporting of breaches of "any" of the broad scope of data potentially subject to these rules, unsuccessful attempts to access covered data and conduct that "might reasonably lead to" a data breach. Additionally, similar to the approach taken by many states, even where a breach may be otherwise reportable, no notification should be required where a provider determines that there is no reasonable likelihood of harm to any customer resulting from the breach.

AT&T further noted that to allow providers adequate time to investigate suspected data breaches, the breach notification “clock” should not begin running until the provider has determined with substantial certainty that a breach has occurred. After making that determination, providers should be required to make notifications without unreasonable delay but should be allowed up to 7 business days to notify the FCC (and Law Enforcement if required). To allow providers adequate time to identify all affected customers and prepare relevant information for them and any other relevant support such as call centers they can contact with follow-up questions, providers should be allowed up to 20 business days after making that determination to notify customers (or up to 30 business days for breaches affecting more than 500 customers).

Sincerely,

A handwritten signature in black ink that reads "Jacquelynne Flemming". The signature is written in a cursive style with a large initial 'J' and a long, sweeping tail on the 'g'.

Cc: Matt DelNero
Lisa Hone
Sherwin Siy
David Brody
Melissa Kirkel