

June 26, 2015

Ex Parte

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

Re: **Ex parte presentation by VRS Compliance Forum**—*Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123; *Structure and Practices of the Video Relay Service Program*, CG Docket No. 10-51

Dear Ms. Dortch:

On June 24, 2015, Julian Ignatowski of ASL Services Holdings LLC (“ASL/Global”); Jeremy Jack of Hancock, Jahn, Lee & Puckett, LLC d/b/a Communication Axess Ability Group (“CAAG”); Jeff Rosen and Joshua Shaffner of Convo Communications, LLC (“Convo”); Lydia Runnels, Mike Strecker, and Megan Lawler of CSDVRS, LLC (“CSDVRS”); John Martin, John Goodman, and Lydia Yomogida of Purple Communications, Inc. (“Purple”); Grant Beckmann, Scot Brooksby, and Michael Maddix of Sorenson Communications, Inc. (“Sorenson”); and John Nakahata and Randall Sifers of Harris, Wiltshire & Grannis LLP, on behalf of Sorenson, (collectively, the “VRS Providers” or “Providers”) participated in a meeting with FCC attendees Robert Aldrich, Darryl Cooper, Alok Doshi, Eliot Greenwald, Gregory Hlibok, Roger Holberg, Robert McConnell, Andrew Multz, David Schmidt, and Caitlin Vogus.¹

The VRS Providers discussed the upcoming implementation of the TRS user registration database (“TRS-URD”) and the recently filed joint petition for a temporary waiver of the Social Security Number rule and date of birth requirements, and a petition for rulemaking.² VRS Providers urged that the *Joint Petition* be addressed expeditiously, taking into account that Providers must be working to be ready to share necessary user information with the TRS-URD within 60 days once it becomes available (which, as was also explained, may require a longer period of time to effectuate a seamless transition that does not adversely affect deaf users).

During the meeting, VRS Providers were asked: In a worst-case scenario, if the waiver was not granted, would you expect an extraordinary backlash or resistance from the deaf community (in response to having to provide last four digits of the user’s Social Security number)? Certain providers responded that they anticipate significant backlash by and on behalf of undocumented members of the deaf community and from a significant number of existing deaf consumers who have been VRS users for a decade and are only now being required to

¹ Attendees participated in person or by phone.

² Joint Petition of All Six VRS Providers for a Temporary Waiver of the Social Security Number Rule and Date of Birth Requirements, and Petition for Rulemaking, CG Docket Nos. 03-123 and 10-51 (filed June 16, 2015) (“*Joint Petition*”).

provide it. Users also express concern about the potential for identity theft, especially given the ongoing public reports of data breaches.

Commission staff stated that while VRS providers will need to maintain last four digit Social Security number (“SSN”) information that is currently being collected from existing customers for input into the TRS-URD, when activated, they did not expect that VRS providers would be required to collect and retain the last four digit SSN information post-migration, as that information will not be maintained in the TRS-URD. That information will only be used by the URD Administrator for verification and then promptly discarded. VRS Providers urged that the Commission provide written guidance with respect to document retention requirements, and minimize both the quantity and duration of document retention requirements in order to better protect consumer privacy.

In response to question as to whether concerns about substantial resistance to provide last four digits of the user’s SSN, or alternative personally identifiable information, Providers responded that obtaining this kind of personally identifiable information from deaf and hard-of-hearing users is not consistent with the functional-equivalence mandate of the Americans with Disabilities Act³ and will cause an unreasonable risk to consumer privacy. As to comparisons with the experience in gathering the last four digits of the user’s SSN from IP CTS subscribers, VRS Providers responded that the community of users for the two services are very different, and IP CTS service has not existed for as long as VRS without requiring provision of such information, such that user expectations were very different.

The Providers also reminded Commission staff that there has been no indication that misrepresentation of a user’s identity has led to waste, fraud, or abuse in VRS, which is the only form of TRS to which the URD currently would apply. Although the Commission may wish to instruct the TRS-URD contractor to build into the TRS-URD the capability to expand the data collected for verification, it need not utilize those fields for VRS identity verification simply because they might be necessary to prevent fraud in a different and distinct TRS service. It is not clear why, for example, name, address and date of birth would not be sufficient to verify an individual for the purposes of VRS registration, particularly since the user’s need for VRS is established through self-certification and there are no limits on the number of VRS numbers for which a user may register.⁴ Were these three elements to be the only ones collected, the Commission could also avoid collection of alternative PII in lieu of the last four digits of the user’s SSN. Minimizing data collection in the absence of a clear operational need that outweighs the risk of inadvertent disclosure is a key best practice in protecting consumer privacy.

³ 47 U.S.C. § 225(a)(3).

⁴ With only this information, the TRS-URD could distinguish Joe Jones, Sr. from Joe Jones, Jr., based on date of birth. Similarly, two unrelated persons named Joe Jones would be distinguished by their address and, likely, their date of birth.

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The Providers also asked for guidance on how to register company and public phones, as well as minors. Commission staff acknowledged that the URD must be able to accommodate registration of company and public phones.

Respectfully submitted,

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