



CTIA

Building The Wireless Future™  
Cellular Telecommunications & Internet Association

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

February 12, 2002

EX PARTE OR LATE FILED

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
12th Street Lobby, TW-A325  
Washington, DC 20554

**Re: Ex Parte Presentation**  
**Docket No. 01-72**

Dear Mr. Caton:

On February 12, 2002, the Cellular Telecommunications & Internet Association ("CTIA") represented by Michael Altschul, Senior Vice President for Policy and Administration and General Counsel, Diane Cornell, Vice President for Regulatory Policy, and Christopher Guttman-McCabe, Director for Regulatory Policy, met with Paul Margie, Legal Advisor to Commissioner Copps. The parties discussed issues related to CTIA's Location Privacy Petition, filed with the Commission in November 2000. In particular, the parties discussed the attached presentation.

Pursuant to Section 1.1206 of the Commission's Rules, this letter is being filed with your office. If you have any questions concerning this submission, please contact the undersigned.

Sincerely,

Christopher Guttman-McCabe

cc: Paul Margie

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# CELLULAR TELECOMMUNICATIONS & INTERNET ASSOCIATION

## PRIVACY POLICIES FOR WIRELESS LOCATION BASED SERVICES

*Ex Parte* Presentation

WT Docket No. 1-72

# OVERVIEW



- The Commission should initiate a Notice of Proposed Rulemaking to address CTIA's proposed privacy principles.
- CTIA's proposal will protect consumers' privacy interests.
- FCC should act now to address location privacy issues.



# The Commission Should Initiate a Notice of Proposed Rulemaking

- CTIA's Board of Directors endorsed the proposed principles in 2000.
- CTIA's Petition was filed with the FCC on November 22, 2000; Comments were received in April, 2001.
- No action to date on CTIA's Petition following receipt of comments and replies.
- Comments on the FCC's new CPNI Rulemaking were filed in November 2001.

# A Rulemaking is the Best Way to Implement Sections 222 (f) and (h) of the Act



- The Statute is not self executing.
- Varied interpretations would create consumer confusion.
- The Statute is open to a variety of interpretations, leading to uncertainty and the risk of needless litigation.

# CTIA's Proposal Will Protect Consumers' Privacy Interests



- CTIA's proposal would ensure that mobile consumers will be informed of their service provider's collection and use of location information.
- CTIA's proposed privacy principles address:
  - Notice
  - Consent
  - Security and Integrity of Information
  - Technology Neutral Rules



# Notice

- Inform the customer about the specific location information collection and use practices *before* any disclosure of location information takes place.



# Consent

- Service providers must ensure that customers are well-informed of location information collection and use practices *prior* to the use of location information.
- Consent may be given by written, oral, electronic, or other form so long as it manifests the customer's desire to participate in the location service or transaction.



# Security and Integrity

- Protect location information from both unauthorized access and disclosure to third parties.
- Ensure that any third party to whom the location data is provided, adheres to the provider's location information practices.



# Technology Neutral Principles

- Privacy standards should be the same whether the service is handset or network-based.
- Technology neutral rules permit the mobile consumer to have a uniform set of privacy expectations regardless of the mobile device or roaming market used.

# Uniform Location Information Practices Should be Adopted for Carriers and Non-Carriers



- Carriers: Implementation of Section 222(f) & (h) of the Communications Act.
- Non-Carriers: Wireless Industry Self-Regulatory Initiatives.
- Goal: Consumers should have uniform privacy expectations for location information.

# FCC Should Act Now to Address Location Privacy Issues



- The location-based service industry is in its nascent stage.
- Adoption of CTIA's proposed privacy principles now will allow the industry to design and build their systems around the rules.
- Consumer and industry acceptance of privacy requirements would be much easier and less expensive if uniform guidance is provided BEFORE location services are widely deployed.

# FCC Should Act Now to Address Location Privacy Issues (cont.)



- Absent FCC guidance, decisions would be made by courts and state PUCs.
  - Case-by-case adjudications would create delay and added expense for carriers, and confusion for customers.
    - It is likely that these cases would be referred to the Commission under the doctrine of primary jurisdiction.
  - Consumer confidence in, and acceptance of, location services would be far greater if customers knew they could rely on uniform privacy principles wherever they used their mobile phones in the United States.

# CONCLUSION



- The wireless industry is seeking guidance from the Commission.
- CTIA's proposal will protect consumers' privacy interests.
- Adoption of CTIA's proposed privacy principles now will minimize confusion for both consumers and wireless carriers.
- FCC should initiate a Notice of Proposed Rulemaking to address CTIA's Petition.