

ANTI-PRETEXTING WORKING GROUP BREACH NOTICE BEST PRACTICES

This document sets forth the Anti-Pretexting Working Group's best practices for notifying consumer customers (hereinafter "customers") of unauthorized access to call detail records caused by pretexting.

A. Trigger for Notice

Service providers shall provide notice to any customer whose call detail records it reasonably believes were acquired by an unauthorized person by fraudulent means.

Such notice is not required if:

(1) the call records that were acquired were encrypted (and not accompanied by the encryption key) or were otherwise protected by a technology protection measure that renders the data unusable or inaccessible; or

(2) the customer notifies the service provider of the suspected breach; or

(3) after a prompt investigation, the service provider reasonably determines that the call records have not been used or disseminated to any other person by the unauthorized person who acquired them and that there is no reasonable likelihood of harm resulting from the breach.

B. Timing of Notice

The service provider shall provide notice to its customer after a reasonable amount time for the service provider to determine the scope of the breach, identify the breached records, and restore the integrity, security and confidentiality of the applicable system or records. The service provider may delay providing notice if a law enforcement authority requests a delay until such time as the law enforcement authority notifies the service provider that notice may be provided.

C. Method of Notice

The service provider shall provide notice to the account holder of record for the account by one or more of the following methods:

(1) by phone call to a contact phone number of record for the account;

(2) by mail to the address of record for the account;

(3) by electronic mail sent to the email address of record for the account, provided that the service provider has a high degree of assurance that the email address belongs to the account holder;

(4) by text message to the address/number of record for the customer's account; or

(5) by a secure message presented to the customer in a clearly visible location as part of the service that the customer receives from service provider; or

(6) by a comparable alternative technology.

D. Content of Notice

The service provider's notice of a breach shall explain in plain language:

(1) what call detail records may have been acquired;

(2) that this information may have been acquired by an unauthorized person by fraudulent means or by means of an intentional misrepresentation;

(3) actions the service provider has taken or will take, or that the customer may take to obtain further information and further protect call record information going forward;

(4) the means by which the customer may contact the service provider to obtain additional information.

E. Notice from Independent Contractors and Other Third Parties

Service providers shall require independent contractors and other third parties who receive call detail records from the service provider to notify the service provider as soon as possible after the contractor or third party reasonably believes that a breach of call details record data has occurred.