

**STATEMENT OF
ACTING CHAIRWOMAN MIGNON CLYBURN**

Re: Implementation of the Telecommunications Act of 1996: Telecommunications Carriers' Use of Customer Proprietary Network Information and Other Customer Information, CC Docket No. 96-115

Protecting consumer privacy is a key component of our mission to serve the public interest. Changes in technology and market practices have raised many new concerns when it comes to privacy. But today's action affirms the Commission's commitment to the protection of wireless consumers by clarifying the FCC's customer proprietary network information – or CPNI – policies.

Consumers rightfully expect that private information -- for example, numbers called, the times of those calls, and the locations from which a customer makes those calls -- will be safeguarded, whether it's retained on their mobile device, or in a carrier's back-office system. That is why this declaratory ruling clarifies that a carrier has "received or obtained" CPNI when the carrier causes that information to be stored on the device and it or its designee has access to or control over that information. Carriers should be responsible for safeguarding the customer information that they collect wherever it's stored. Today's decision ensures that it will be.

It is also worth noting what this Declaratory Ruling does not do. It does not affect third-party app developers or apps that customers might install from an app store. It does not prohibit carriers from collecting information needed to improve networks. In fact, we recognize the benefits of such data collection. However, while there can be benefits to carrier data collection using customers' devices, the fact that such sensitive information is stored on each subscriber's mobile device emphasizes the need to ensure such information is protected. Also, we do not require carriers to implement any particular type of protection. Instead, we allow them to choose their own method of safeguarding CPNI, as long as it provides appropriate protection against unauthorized access. I do want to make clear, however, that if a carrier fails to protect CPNI, the Commission stands ready to use its enforcement authority, including its authority to order forfeitures.

In sum, today's Declaratory Ruling demonstrates that, while technology and consumer behavior evolve, we will continue to exercise our statutory authority to protect consumers. I would like to thank my colleagues for their support of the item, as well as the tireless efforts of Sean Lev, Jennifer Tatel, Douglas Klein, and other members of the Office of General Counsel, for presenting us with such an important item.