RON WYDEN
OREGON

RANKING MEMBER OF COMMITTEE ON FINANCE

221 DIRKSEN SENATE OFFICE BUILDING
WASHINGTON, DC 20510
(202) 224-5244

355

United States Senate
WASHINGTON, DC 20510-3703

COMMITTEES:
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May 8, 2018

The Honorable Ajit Pai
Chairman
Federal Communications Commission
445 12th Street Southwest
Washington, DC 20554

Dear Chairman Pai:

I write to ask that the Federal Communications Commission (FCC) investigate abusive and potentially unlawful practices of wireless carriers, which have permitted at least one company to provide law enforcement with unrestricted access to the location data of the carriers' customers.

I recently learned that Securus Technologies, a major provider of correctional-facility telephone services, purchases real-time location information from major wireless carriers and provides that information, via a self-service web portal, to the government for nothing more than the legal equivalent of a pinky promise. This practice skirts wireless carrier's legal obligation to be the sole conduit by which the government conducts surveillance of Americans' phone records, and needlessly exposes millions of Americans to potential abuse and surveillance by the government.

To access this private data, correctional officers simply visit Securus' web portal, enter any U.S. wireless phone number, and then upload a document purporting to be an "official document giving permission" to obtain real-time location data. I have enclosed portions of a Securus presentation demonstrating that web portal as well as a Securus white paper documenting "success stories" where Securus customers used this turnkey service to conduct activities wholly unrelated to correctional-facility telephone services.

Top officials at Securus confirmed to my office that Securus takes no steps to verify that uploaded documents in fact provide judicial authorization for real-time location surveillance, or conduct any review of surveillance requests. Securus claimed, incorrectly, that correctional facilities, not Securus, must ensure that correctional officers don't misuse the web portal.

Federal law—enforced by the FCC—restricts how and when wireless carriers may share certain customer information, including location data. Wireless carriers have an obligation to take affirmative steps to verify law enforcement requests for customer information, and must further ensure they are the sole avenue for law enforcement to obtain that information. Federal law also permits the commercial disclosure of customer location data to third parties, but only with the consent of the customer. Securus does not take any of the steps required of carriers.

911 NE 11TH AVENUE
SUITE 630
PORTLAND, OR 97232
(503) 326-7525

405 EAST 8TH AVE
SUITE 2020
EUGENE, OR 97401
(541) 431-0229

SAC ANNEX BUILDING
105 FIR ST
SUITE 201
LA GRANDE, OR 97850
(541) 962-7691

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310 WEST 6TH ST
ROOM 118
MEDFORD, OR 97501
(541) 858-5122

THE JAMISON BUILDING
131 NW HAWTHORNE AVE
SUITE 107
BEND, OR 97701
(541) 330-9142

707 13TH ST, SE
SUITE 285
SALEM, OR 97301
(503) 589-4555

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It is incredibly troubling that Securus provides location data to the government at all—let alone that it does so without a verified court order or other legal process. This clear abuse is only possible because wireless carriers sell their customers' private information to companies claiming to have consumer consent without sufficiently verifying those claims. I am also asking the major wireless carriers to investigate their own practices and the obvious potential for abuse. I have enclosed a copy of that letter.

I ask that the FCC promptly investigate Securus, the wireless carriers' failure to maintain exclusive control over law enforcement access to their customers' location data, and also conduct a broad investigation into what demonstration of customer consent, if any, each wireless carrier requires from other companies before the carriers provide them with customer location information and other data.

If you have any questions about this request, please contact Chris Soghoian in my office.

Sincerely,

Ron Wyden
United States Senator