
August 23, 2022

VIA EMAIL

The Honorable Jessica Rosenworcel
Chairwoman, Federal Communications Commission
45 L Street NE
Washington, D.C., 20554
Email: Jessica.Rosenworcel@fcc.gov

Re: Policies for Retention and Sharing of Geolocation Data

Dear Chairwoman Rosenworcel,

I am writing on behalf of Best Buy Health, Inc. d/b/a Lively (“Lively”) in response to your July 19, 2022, letter to Deborah DiSanzo regarding Lively’s consumer data retention policies for Lively geolocation information and its policies for sharing such information with third parties.¹

We believe it is important to highlight four critical points:

1. **We do not collect network-based geolocation data from our underlying wireless network provider.** Lively is a Mobile Network Virtual Operator (MNVO) and purchases wholesale wireless communication services from our provider for resale to our Lively customers. As a MNVO, Lively does not own or operate any network elements and does not have access to geolocation data that is generated when our Jitterbug phones register with nearby network signal towers.
2. **We only collect geolocation information to support contracted-for health and safety services.** With products such as easy-to-use Jitterbug phones and medical alert devices, Lively helps people live safely and independently while providing peace of mind to their family and caregivers. Customers specifically authorize and are aware of our collection of geolocation information through software on devices to accomplish these goals.
3. **We do not sell geolocation information.**
4. **We only share geolocation information with authorized caregivers, when required to assist our customers at a specific point in time, or when obligated to do so by court order or subpoena.**

Lively is dedicated to enriching lives through technology, including using technology to live better, healthier lives. With our unique combination of tech expertise and human connection, we bring together services, solutions, and the right technology that allows people to age at home and in their community. We offer personalized support through world-class Caring Centers, easy-to-use mobile devices, and on-demand access to urgent and emergent care. Because our customers are a unique demographic, they

¹ Lively previously submitted a response on August 2 accompanied by a Request for Confidentiality.

require a distinct level of sensitivity. We do our best to ensure our customers have a superior experience by talking to our empathetic and friendly care agents.

Lively offers a suite of health and safety products, including the Jitterbug phones and Lively Mobile Plus,² and services, including Urgent Response and the Lively Link app.³ Our Urgent Response service allows our customers to get help in emergencies, big or small, with the touch of a button through their Jitterbug phone or Lively Mobile Plus.⁴ Our Urgent Response agents are certified through the International Academies of Emergency Dispatch and trained specially to interact with the aging population. If a customer presses the Urgent Response button on their Jitterbug phone or Lively Mobile Plus, our Urgent Response team can contact the customer's local 9-1-1 dispatch so emergency services can be sent to the customer's location. The agent will also stay on the line with the customer until emergency services arrive. Urgent Response is only available to Lively Mobile Plus customers and to Jitterbug customers that have subscribed to a Health and Safety plan.

Lively understands that while it is important for our customers to have a sense of independence, their family and caregivers also want to feel reassured that their loved ones are okay. As a result, Lively offers its customers the Lively Link app, which allows family members and caregivers to stay updated on a customer's health and safety. With the customer's permission, family members and caregivers can view the customer's location and changes in the customer's daily activity. They also can check the status of the customer's device to ensure it is properly charged and receive alerts if a customer calls our Urgent Response team. Customers control who has access to their device location and can always add or remove individuals from the list.

In order to reach our customers in times of need or provide peace of mind from our Lively Link app, our Jitterbug phones and Lively Mobile Plus devices are equipped with geolocation capabilities. The geolocation information allows our Urgent Response agents to provide accurate location information to 9-1-1 dispatch and get customers the help they need. It also enables family members and caregivers to get updates on their loved ones. But if a customer using the Jitterbug phone has chosen not to subscribe to a health and safety plan, Lively does not collect geolocation information from the customer's phone.

² Lively Mobile Plus is not a phone. It is a mobile medical alert, with a two-way speaker that allows customers to press a button on the device and speak directly with our Urgent Response team.

³ For additional information regarding our products and services, please visit www.lively.com.

⁴ Lively Mobile Plus customers who subscribe to our Ultimate Health and Safety plan have access to the Fall Detection feature. If a customer experiences a fall while wearing the Lively Mobile Plus on our specially designed lanyard, the device will automatically call our Urgent Response team.

We make clear to our customers that we collect and use geolocation information to support our services. Our promotional materials highlight our ability to direct emergency assistance to our customers and that loved ones can have access to customer location information. Our use of this geolocation information is included in our product terms and conditions and privacy policy which can be found on our website.⁵ Customers are also required to accept our terms and conditions prior to purchasing our products or services and are sent a copy of the terms and conditions that govern their specific product in a welcome email.

Geolocation information used to provide the Urgent Response and Lively Link services is pulled directly from the devices. The information is then transferred through either SMS, MQTT, or HTTP, depending on the device, to systems that support our Urgent Response service, the Lively Link app, and our reporting team. The information is stored in the United States, subject to a defined retention period, and is protected by a comprehensive information security program comprising, under a risk-based approach, administrative, technical, and physical safeguards designed to ensure information security (e.g., data is encrypted at rest and in transit).

We do not currently disclose our retention policies to customers. We intend to publish these on our website on or before January 1, 2023, in accordance with the California Consumer Privacy Act, as amended by the California Privacy Rights Act.⁶

Lively understands the importance of protecting its customers' personal information, including geolocation information. We do not sell customer geolocation information. We also maintain strict controls regarding when we share a customer's personal information, including geolocation information, with third parties, including law enforcement.⁷ Inquiries from law enforcement agencies requesting customer geolocation information require a court order or government-issued subpoena. In addition, third parties seeking geolocation information must either (1) be an authorized user on the customer's account; (2) provide a release signed by the customer authorizing Lively to disclose such information to the third party; or (3) provide a court order requiring Lively to disclose such information (e.g., subpoena, probate order). We do not notify our customers of the disclosure of their personal information in response to a court order or government-issued subpoena.

Lively strives to provide the highest quality of products and services to our customers. This includes honoring our privacy promises and protecting the personal information entrusted to us by our customers.

⁵ Our customer facing terms and conditions and privacy policy can be found at www.lively.com/legal.

⁶ Because we retain this information to defend the company in the event of any legal claims, we do not give customers the option to opt out of the retention of the geolocation information. Lively periodically reviews its retention policies over time to ensure the retention period assigned is appropriate.

⁷ Lively may collect information from visitors to our website via automated means (e.g., "cookies") and share certain of that information collected with advertising partners. When a customer visits using a Jitterbug smartphone, however, the device is not treated differently than any other device visiting our site. In short, we do not sell, as sell is traditionally defined, any personal information we receive from a customer or Jitterbug smartphone by any means.

Should the Federal Communications Commission have any questions, please don't hesitate to contact me at michael.dolan@bestbuy.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Dolan". The signature is fluid and cursive, with the first name "Michael" written in a larger, more prominent script than the last name "Dolan".

Michael L. Dolan
Senior Director, Head of Enterprise Privacy
Best Buy Co., Inc.