

**STATEMENT OF
CHAIRWOMAN JESSICA ROSENWORCEL**

Re: *Data Breach Reporting Requirements*, WC Docket No. 22-21, Report and Order
(December 13, 2023).

It has been sixteen years since the Federal Communications Commission last updated its policies to protect consumers from data breaches. Sixteen years! To be clear, that was before the iPhone was introduced. There were no smart phones, there was no app store, there were no blue and green bubbles for text. It was a long time ago. In the intervening years a lot has changed about when, where, and how we use our phones, and what data our providers collect about us when we do. But not the FCC's data breach rules; they remain stuck in the analog age.

Today we fix this problem. We update our policies to protect consumers from digital age data breaches. We make clear that under the Communications Act carriers have a duty to protect the privacy and security of consumer data.

First, we modernize our data breach rules to make clear they include all personally identifiable information. In the past, these rules have only prohibited the disclosure of information about who we call and when. But consumers also deserve to know if their carrier has disclosed their social security number or financial data or other sensitive information that could put them in harm's way. We fix that today—and it is overdue.

Second, we modernize our data breach rules to make clear they cover intentional and inadvertent disclosure of customer information. Consumers deserve protection regardless of whether the release of their personally identifiable information was intentional or accidental. Either way, they could find themselves in trouble, so our rules need to address both.

Third, we modernize our standards for notification. That means in the event of a data breach, your carrier has to tell the FCC and tell you in a timely way just what happened and what personal information may be at risk. Our old rules required carriers to wait seven business days before telling consumers what breaches had taken place. But there is no reason why consumers should have to wait that long before learning that their personal information has been stolen or misused.

Finally, we update reporting requirements associated with data breaches. We also make clear our policies apply to telecommunications relay service providers, so that those with disabilities get the same protections as everyone else.

These are necessary updates. Find a consumer with a phone anywhere and they would tell you every one of these changes make sense. What makes no sense is leaving our policies stuck in the analog era. Our phones now know so much about where we go and who we are, we need rules on the books that make sure carriers keep our information safe and cybersecure.

I want to thank the Commission's Privacy and Data Protection Task Force for their input into this effort and work to update our privacy and security policies across the board. I also want to note that with the help of the task force, for the first time ever the FCC has signed Memoranda of Understanding with Attorneys General from Pennsylvania, Illinois, Connecticut, and New York who are committing to work with us on privacy, data protection, and cybersecurity enforcement matters.

A thank you also goes to our colleagues at the U.S. Secret Service and Federal Bureau of Investigation for their input and support on this effort. Let me also commend staff at the agency for their work, including Callie Coker, Adam Copeland, Trent Harkrader, Melissa Kinkel, Jodie May, Kimia Nikseresht, Zach Ross, Mason Shefa, and John Visclosky from the Wireline Competition Bureau; Robert Aldrich, Diane Burstein, Aaron Garza, Eliot Greenwald, Ike Ofobike, Alejandro Roark, Michael Scott, and Mark Stone from the Consumer and Governmental Affairs Bureau; Maureen Bizhko, John Blumenschein, Justin Cain, Michael Connelly, Debra Jordan, Nicole McGinnis, Erika Olsen, Austin Randazzo, and Chris Smeenck from the Public Safety and Homeland Security Bureau; Hunter Deeley,

Loyaan Egal, Peter Hyun, Ryan McDonald, Victoria Randazzo, Phillip Rosario, Kristi Thompson, and Shana Yates from the Enforcement Bureau; Barbara Esbin, Garnet Hanly, and John Lockwood from the Wireless Telecommunications Bureau; Michael Janson, Douglas Klein, Marcus Maher, Richard Mallen, Royce Sherlock, Anjali Singh, and Elliot Tarloff from the Office of General Counsel; Mark Azic, Eugene Kiselev, Giulia McHenry, and Steven Rosenberg from the Office of Economics and Analytics; and Joy Ragsdale and Chana Wilkerson from the Office of Communications Business Opportunities.