

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Investigation into ) DOCKET NO. 931019-TP  
dissemination of long distance ) ORDER NO. PSC-94-0695-FOF-TP  
telephone and other customer ) ISSUED: June 7, 1994  
records and related customer )  
privacy issues. )  
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The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman  
SUSAN F. CLARK  
JULIA L. JOHNSON  
DIANE K. KIESLING

ORDER CLOSING INVESTIGATION AND CLOSING DOCKET

BY THE COMMISSION:

I. BACKGROUND

On October 21, 1993, we initiated this proceeding to investigate the treatment of long distance telephone and other customer records, and related customer privacy issues. There have been prior instances in which toll records were disclosed without consent of the subscriber. There is much concern as to how these records were obtained. This prompted us to investigate the telephone companies policies in regards to customer proprietary information.

II. INVESTIGATION

The continuing flow of new technology being introduced in the telecommunications industry has raised concerns that rights to privacy may be abused. Our investigation was directed at how telecommunications companies handled and protected customer specific personal information that companies acquire in the course of business.

A survey of the local exchange companies and the largest of the interexchange carriers revealed that each of these entities has an internal policy of nondisclosure of customer proprietary information. These internal policies may take the form of a Code of Business Ethics or some form of a security policy or other type of procedures for handling proprietary information. Such policies may not be formal or in written form. Despite the general policies

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of nondisclosure, it appears that within each company, access to customer records varies, depending on department and job function.

Notwithstanding the policies of the companies regarding nondisclosure, we note that there is no provision either state or federal law that precludes dissemination of customer specific information or provides for penalties to be imposed on the a company for failure to abide by its internal policy.

We believe that there is a general expectation on the part of customers that their telephone account information will be protected from unauthorized disclosure. We believe that customer proprietary information should be obtained strictly on a need-to-know basis and only by authorized entities.

Upon consideration, we find that this investigation should be closed. In order to proceed to protect consumer's privacy, we find it appropriate that rulemaking be instituted to explore and implement any necessary measures to protect the privacy of customer telephone records.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the investigation into the dissemination of long distance telephone and other customer records and related customer privacy issues is closed as set forth in the body of this Order. It is further

ORDERED that the matter of privacy of customers' telephone records be set for rulemaking as set forth in the body of this Order. It is further

ORDERED that this docket be closed.

By ORDER of the Florida Public Service Commission, this 7th day of June, 1994.

BLANCA S. BAYÓ, Director  
Division of Records and Reporting

by: Kay Dyer  
Chief, Bureau of Records

( S E A L )  
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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water or sewer utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Civil Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.