

115TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

To establish privacy protections for customers of broadband Internet access service and other telecommunications services.

---

IN THE SENATE OF THE UNITED STATES

Mr. MARKEY (for himself, Mr. BLUMENTHAL, Ms. WARREN, Mr. SANDERS, Mr. MERKLEY, Mr. HEINRICH, Mr. UDALL, Mr. LEAHY, Ms. BALDWIN, Mr. VAN HOLLEN, and Mr. FRANKEN) introduced the following bill; which was read twice and referred to the Committee on

---

**A BILL**

To establish privacy protections for customers of broadband Internet access service and other telecommunications services.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. PRIVACY OF CUSTOMERS OF BROADBAND**  
4 **INTERNET ACCESS SERVICE AND OTHER**  
5 **TELECOMMUNICATIONS SERVICES.**

6 (a) IN GENERAL.—Section 222 of the Communica-  
7 tions Act of 1934 (47 U.S.C. 222) is amended—

1           (1) by redesignating subsection (h) as sub-  
2           section (i); and

3           (2) by inserting after subsection (g) the fol-  
4           lowing:

5           “(h) PRIVACY OF CUSTOMERS OF BROADBAND  
6 INTERNET ACCESS SERVICE AND OTHER TELECOMMUNI-  
7 CATIONS SERVICES.—

8           “(1) DEFINITIONS.—In this subsection—

9           “(A) the term ‘broadband Internet access  
10           service’ has the meaning given the term in sec-  
11           tion 8.2 of title 47, Code of Federal Regula-  
12           tions, or any successor regulation;

13           “(B) the term ‘customer’ means—

14           “(i) a current or former subscriber to  
15           a telecommunications service; or

16           “(ii) an applicant for a telecommuni-  
17           cations service;

18           “(C) the term ‘customer proprietary infor-  
19           mation’ means, with respect to information or  
20           content that a telecommunications carrier ac-  
21           quires in connection with its provision of tele-  
22           communications service—

23           “(i) individually identifiable customer  
24           proprietary network information;

1                   “(ii) personally identifiable informa-  
2                   tion; and

3                   “(iii) content of communications;

4                   “(D) the term ‘opt-in approval’ means a  
5                   method for a telecommunications carrier to ob-  
6                   tain customer consent to use, disclose, or per-  
7                   mit access to the customer’s customer propri-  
8                   etary information that requires that the tele-  
9                   communications carrier obtain from the cus-  
10                  tomer affirmative, express consent allowing the  
11                  requested usage, disclosure, or access to the  
12                  customer proprietary information after the cus-  
13                  tomer is provided appropriate notification of the  
14                  carrier’s request;

15                  “(E) the term ‘sensitive customer propri-  
16                  etary information’ includes—

17                         “(i) financial information;

18                         “(ii) health information;

19                         “(iii) information pertaining to chil-  
20                         dren;

21                         “(iv) Social Security numbers;

22                         “(v) precise geolocation information;

23                         “(vi) content of communications;

24                         “(vii) call detail information;

1           “(viii) web browsing history, applica-  
2           tion usage history, and the functional  
3           equivalents of either; and

4           “(ix) any other customary proprietary  
5           information that the Commission deter-  
6           mines to be sensitive; and

7           “(F) the term ‘telecommunications service’  
8           includes broadband Internet access service and  
9           interconnected VoIP service.

10          “(2) REGULATIONS.—In carrying out this sec-  
11          tion, the Commission shall promulgate regulations to  
12          protect the privacy of customers of telecommuni-  
13          cations service.

14          “(3) CONTENTS.—In promulgating regulations  
15          under paragraph (2), the Commission shall—

16               “(A) require a telecommunications carrier  
17               to notify a customer about the collection, use,  
18               and sharing of his or her customer proprietary  
19               information, including by—

20                       “(i) notifying the customer about the  
21                       types of customer proprietary information  
22                       the carrier collects;

23                       “(ii) specifying how and for what pur-  
24                       poses the carrier uses and shares customer  
25                       proprietary information; and

1                   “(iii) identifying the types of entities  
2                   with which the carrier shares customer  
3                   proprietary information;

4                   “(B) require a telecommunications carrier  
5                   to—

6                   “(i) provide the notification under  
7                   subparagraph (A) to a customer at the  
8                   point of sale, before the purchase of serv-  
9                   ice; and

10                   “(ii) update a customer when the car-  
11                   rier makes a material change to a privacy  
12                   policy, including any of the policies de-  
13                   scribed in subparagraph (A);

14                   “(C) require a telecommunications carrier  
15                   to obtain opt-in approval from a customer to  
16                   use and share his or her sensitive customer pro-  
17                   prietary information;

18                   “(D) implement strong protection for de-  
19                   identified customary proprietary information, to  
20                   prevent re-identifying such information;

21                   “(E) prohibit a telecommunications carrier  
22                   from refusing to serve a customer who doesn’t  
23                   consent to the use and sharing of his or her  
24                   customer proprietary information for commer-

