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**SENATE COMMITTEE ON ENERGY, UTILITIES AND  
COMMUNICATIONS**  
**Senator Ben Hueso, Chair**  
**2019 - 2020 Regular**

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**Bill No:** AB 1079 **Hearing Date:** 6/4/2019  
**Author:** Santiago  
**Version:** 2/21/2019 As Introduced  
**Urgency:** No **Fiscal:** No  
**Consultant:** Sarah Smith

**SUBJECT:** Telecommunications: privacy protections

**DIGEST:** This bill adds testing of 911 systems to the list of purposes exempt from restrictions on disclosing a telecommunications subscriber's phone number to local public safety, health, and emergency offices.

**ANALYSIS:**

Existing law:

- 1) Prohibits telephone corporations from disclosing subscribers' unpublished or unlisted telephone numbers on residential subscriber lists that the corporations sells or licenses. A subscriber may waive this protection by providing the telephone corporation with a written notice. (Public Utilities Code §2891.1(a))
- 2) Prohibits wireless telecommunications providers and their affiliates from disclosing the name and telephone number of a subscriber unless the subscriber expressly provides consent for the disclosure. (Public Utilities Code §2891.1(b))
- 3) Allows a subscriber to revoke a prior authorization to disclose subscriber information at any time. Wireless telecommunications providers must comply with a revocation within 60 days. (Public Utilities Code §2891.1(d))
- 4) Exempts the following purposes from prohibitions on disclosing telecommunications subscribers' phone numbers:
  - a) Disclosures to a collection agency, exclusively for the collection of unpaid debts and subject to supervision by the California Public Utilities Commission (CPUC)
  - b) Disclosures to a law enforcement agency, fire protection agency, public health agency, public environmental health agency, city or county emergency services planning agency, or private for-profit agency contracting

- with one or more of these agencies, for the exclusive purpose of responding to a 911 call or communicating an imminent threat to life or property
- c) Disclosures pursuant to a lawful process issued under state or federal law
  - d) Disclosures to a telephone corporation providing service between service areas for service in those areas or to third parties for the limited purpose of billing
  - e) Disclosures to a telephone corporation to effectively transfer telephone service to a new provider
  - f) Disclosures to the CPUC pursuant to its regulatory authority. (Public Utilities Code §2891.1(f))
- 5) Specifies that any deliberate violation of prohibitions to disclosures of telecommunications subscriber information is grounds for a civil suit against the entity responsible for the violation. (Public Utilities Code §2891.1(g))

This bill adds testing of 911 systems to the list of purposes exempt from restrictions on disclosing a telecommunications subscriber's phone number to local public safety, health, and emergency offices.

## **Background**

*Testing the emergency telecommunications system.* The evolution of telecommunications services has required changes to the 911 system to ensure effective dispatching of emergency responders. Enhanced 911 (E911) services are intended to automatically provide emergency response dispatchers with greater information about 911 callers, including their location. When a 911 call is placed from a landline, the location of the call is identified by a router that searches a database to obtain the specific address associated with the number. Unlike landline calls, wireless and Voice Over Internet Protocol (VoIP) calls can be placed from any location. As a result, 911 dispatchers may require additional information to verify the specific geographic location of a wireless or VoIP call.

While geographic targeting by cell towers can help identify the locations of wireless 911 calls, this information can be less precise than a specific physical address. For example, geographic information from cell towers may not be able to distinguish between apartments within a multistory apartment complex. As a result, dispatchers may need additional information to ensure that first responders expeditiously reach the specific location of a 911 caller. Currently, the Federal Communications Commission (FCC) is considering additional rules to require transmittal of accurate vertical location information within three meters for wireless 911 calls placed indoors. The collection of additional geographic

information for the purposes of routing wireless and VoIP 911 calls has increased concerns about the privacy protections for this information.

*The exclusivity of access to consumers' information.* Under existing law, telecommunications providers can only disclose consumers' telephone numbers to local agencies and the agencies' third party contractors without a subscribers' express consent for the *exclusive* purpose of responding to a 911 call or communicating an imminent threat to life or property. This bill adds testing of 911 systems to the list of purposes for which telecommunications providers can disclose subscribers' contact information to local agencies and agencies' third parties. It also makes additional technical changes that includes deleting language that clarifies that subscribers' telephone numbers can only be provided to local public safety, health, and emergency response offices exclusively for 911 calls and response. Elimination of the exclusivity restriction for disclosures to local governments opens the possibility that telecommunications providers may be authorized to disclose information collected for 911 routing to local agencies even if a local agency intends to use that information for purposes other than 911 responses and testing. The elimination of this exclusive purpose language does not appear to be the author's intent.

*Need for amendments.* Disclosure of information collected for 911 routing could potentially pose a significant privacy concern if that information is used for purposes other than emergency response and emergency notification testing. *As a result, the author and this committee may wish to amend this bill to preserve the exclusivity of the purposes for which consumers' information can be disclosed to local agencies.*

### **Prior/Related Legislation**

SB 402 (Campbell, Chapter 495, Statutes of 2005) allowed wireless subscribers to provide express consent for inclusion of their phone numbers in a directory through answers provided on an internet website. The bill also prohibited a subscriber from incurring charges for electing to have a phone number unlisted and unpublished in a directory.

AB 1733 (Reyes, Chapter 753, Statutes of 2004) allowed telecommunications subscriber to waive protections against telephone number disclosures by providing express consent. The bill allowed subscribers to revoke a previously provided consent and required telecommunications providers to comply with a revocation within 60 days. The bill also established an exemption from disclosure restrictions for the purposes of transferring a subscriber's telephone number to a new provider.

**FISCAL EFFECT:** Appropriation: No Fiscal Com.: No Local: No

**SUPPORT:**

California Fire Chiefs Association  
California State Sheriffs' Association  
Fire Districts Association of California  
League of California Cities

**OPPOSITION:**

None received

**ARGUMENTS IN SUPPORT:** According to the author:

There are many customers who have their telephone numbers unlisted or unpublished in public directories for various reasons, such as public safety or privacy concerns. Although public safety officials may contact these numbers to respond to an emergency; they are not able to test their systems with these numbers beforehand. This puts thousands of Californians at risk of not receiving timely and critical information during an emergency. AB 1079 would ensure that all Californians are able to receive critical emergency communications and alerts so that they are informed of what to do in case of an emergency.

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