

PROTECTIONS FOR COMMUNICATIONS RECORDS MUST BE PRESERVED

As Congress considers the Blackburn/Welch data breach bill, Congress and the public must consider how the bill compares to the Communications Act.

This bill would not protect the same scope of information.

Categories of Sensitive Communications Information	Currently Protected Under Communications Act?	Protected Under this Bill?
Location, time, duration, and destination/origin of calls	YES	YES
Location, time, and destination/origin of text messages	YES	NO
Other “information that relates to the quantity, technical configuration, type, destination, location, and amount of use of a telecommunications service . . . made available to the carrier . . . solely by virtue of the carrier-customer relationship”	YES	NO
“Information contained in the bills pertaining to telephone exchange service or telephone toll service”	YES	NO
Information about a customer’s use of broadband access service (after Title II reclassification becomes effective)	YES	NO
Satellite customers’ viewing and order histories	YES	NO
Cable customers’ viewing and order histories	YES	NO

This bill would not protect information that could be used to inflict physical or emotional harm.

Under the Communications Act, covered entities must notify consumers of a breach of private information—period. Under this bill, a covered entity would only have to notify of a data breach if the breached information could lead to financial harm.

Examples of sensitive information that could lose protections:

- A web history that reveals private interests and associations, such as visits to an addiction support forum, an online sports bookie, or a gun auction platform.
- A text message history that reveals every person a customer exchanges text messages with, how often, and at what hours of the day.
- A video on demand history that reveals a preference for homosexual romances, for political documentaries, or for adult films.

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