

Online data-broker bill passes in House

April 27 2006

In a unanimous vote Tuesday the U.S. House of Representatives passed H.R. 4709, the Law Enforcement and Phone Privacy Protection Act of 2006.

The bill introduced by Rep. Lamar Smith, R-Texas, back in February 2006 would amend Title 18 to provide criminal penalties for fraudulent sale or solicitation of unauthorized disclosure of phone records.

The bipartisan legislation was approved by a vote of 409-0.

"Few things are more personal and potentially more revealing than our phone records," Smith said in a statement. "A careful study of these records may reveal details of our medical or financial life. It may even disclose our physical location and occupation -- a serious concern for undercover police officers and victims of stalking or domestic violence."

If passed in the Senate, the legislation would impose serious criminal penalties against those people who sell, transfer, purchase or receive confidential phone records of a telephony company without prior consent of the customer.

These persons could spend up to 10 years in prison and a fine of up to \$500,000.

"We need to pass this bill to demonstrate that we take seriously the obligation to protect the confidentiality of consumer telephone records and to make clear to data thieves that their conduct will result in a felony

conviction," Smith added. "This legislation supports crime victims, prosecutors, companies and individuals who have been the targets of this fraud."

The legislation to be referred to the Senate will be up against two similar bills, one from Sen. Charles Schumer, D-N.Y., and another from Sen. Richard Durbin, D-Ill.

All three are in response to the awareness of individuals posing as a phone-company customer in order to access a customer's records and disseminating the information.

The particular activity had been exposed by a large number of reports on online data-broker sites who advertise such illegal services, offering to obtain personal phone records for as low as \$90.

Former presidential candidate Gen. Wesley Clark was among those who could have experienced phone data theft, when the political site AMERICAblog announced in January that for only \$89.95 it had purchased Clark's cell-phone records of 100 calls over three days in November 2005, UPI reported.

Blog publisher John Aravosis wrote he had bought Clarks phone records from the Web site Celltolls.com and his own from Locatecell.com for \$110 to address failed privacy protections.

AMERICAblog's action came after the Chicago Sun Times published a Jan. 5 article by reporter Frank Main in which the paper conducted a similar investigation.

The Sun Times story followed after the FBI informed law enforcement nationwide including the Chicago Police Department, warning officers phone records may be purchased online, according to Main's article.

Several telecom companies have been in legal conflicts with online data-broker sites, some since last year, including T-Mobile, Cingular and Verizon Wireless, who welcome legislation like H.R. 4709 that emphasizes enforcement actions.

"Protecting the privacy of customer communications and records is an essential component of customer care by our companies and critical to the success of their businesses," said Ed Merlis, senior vice president of government and regulatory affairs of the USTelecom Association. "We applaud the House for passing common-sense legislation to pursue aggressively the bad actors abusing consumer privacy without imposing unnecessary and costly regulatory mandates."

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