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(FORM UPDATED: 08/11/2010)

**WISCONSIN STATE LEGISLATURE ...
PUBLIC HEARING - COMMITTEE RECORDS**

1999-00

(session year)

Assembly

(Assembly, Senate or Joint)

**Committee on ... Judiciary and Personal Privacy
(AC-JPP)**

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
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INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
 - (**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
 - (**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

* Contents organized for archiving by: Mike Barman (LRB) (May/2012)

Assembly

Record of Committee Proceedings

Committee on Judiciary and Personal Privacy

Assembly Bill 30

Relating to: prohibiting telecommunications providers from using social security numbers of customers for purposes related to providing telecommunications services and providing a penalty.

By Representatives Schneider, Musser, Goetsch, Ziegelbauer, Black, Miller, Staskunas, Boyle, Pocan, Grothman, Kreuser, Berceau, Lassa, Gronemus and Ryba; cosponsored by Senators Schultz and George.

January 14, 1999 Referred to committee on Judiciary and Personal Privacy.

March 30, 2000 **Failed to pass pursuant to Senate Joint Resolution 1.**



Robert Delaporte
Committee Clerk





WISCONSIN CABLE COMMUNICATIONS ASSOCIATION

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EXECUTIVE DIRECTOR - Thomas Hanson • DIRECTOR OF REGULATORY AFFAIRS - Thomas Moore

November 23, 1999

Representative Mike Huebsch
P.O. Box 8953
Madison, WI 53708

Dear Representative Huebsch:

The WCCA Board of Directors has asked me to let you know of our concerns with Assembly Bill 30, which is authored by Representative Schneider and has been referred to your committee.

As drafted, would prohibit a provider of telecommunications or cable television service from requiring a customer to provide his or her Social Security number for any purpose that is related to providing service.

First let me say that we understand and appreciate Representative Schneider's work to protect individuals from the unauthorized use of their Social Security number. The federal Cable Act regulates cable television operator's use of personally identifiable information. The Cable Act permits a cable operator to collect personally identifiable information only if it is necessary to provide service to customers or to prevent unauthorized access to services of subscriber data. This information, however, may only be used in the course of providing cable service to the customer. Its use is limited to employees of the cable system and its related legal entities, agents, repair and installations subcontractors, sales representatives, accountants, billing and collection services and credit reporting services. Unless the subscriber objects, the Cable Act permits the disclosure of some subscriber information to others for non-cable related purposes, but this information is limited to customer name, address and the particular service to which they subscribe. Social Security, drivers license or other similar information may not be disclosed to others such as advertisers and direct mail or telemarketers. In addition, mailing list information cannot include the extent of customer viewing habits or use of particular services of the nature of any transactions made over the cable system.

I have enclosed a copy of the Time Warner Cable Subscriber Privacy Notice which outlines many of the points I have made in this letter. This policy is typical of the privacy policies adopted by many cable television operators.

WCCA
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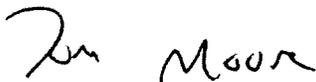
Many cable operators already do not require a potential customer to provide his or her social security number. However, there are situations where a Social Security number is useful to provide service to customers. For example, a person's Social Security number is often used to verify their identity when a request is made to activate a pay-per-view or other service. Additionally, I am told by our members that the Social Security number is extremely useful in cross-checking the identity of customers or potential customers. For example, an individual who has been disconnected for non-payment may give a false identity to a customer service representative in order to re-connect without settling the past debt. In those cases, the Social Security number can be used to verify the identity of the potential subscriber.

We do not oppose legislative efforts which prohibit or penalize any fraudulent use of a Social Security number. However, AB 30 goes beyond this and imposes an outright prohibition against collection of this number which we believe can be a useful tool to providing cable television service to some customers.

We would respectfully ask that the Assembly Committee on Judiciary and Personal Privacy does not recommend AB 30 for adoption.

Thank you for your consideration of this information. If you have any questions, please do not hesitate to contact me or Tom Hanson.

Sincerely,

A handwritten signature in cursive script that reads "Tom Moore".

TOM MOORE
Dir. of Regulatory Affairs

TIME WARNER CABLE SUBSCRIBER PRIVACY NOTICE

The following notice is provided by Time Warner Cable to inform you of our practices regarding personally identifiable information that may be collected in the course of providing cable service to you. This Notice is being provided under the Cable Communications Policy Act of 1984 (the "Cable Act").

This Notice pertains only to personally identifiable information about you that you have furnished to us, or that we have collected, in order that we may provide cable service to you. Personally identifiable information does not include aggregate data that does not identify you. It also does not include information about you that is collected other than in the course of providing cable service or that is obtained from publicly available sources.

The Cable Act pertains to such personally identifiable information to the extent it is directed by you to, or collected by, Time Warner Cable within Time Warner Cable's operations.

Six areas are covered by this Notice:

1. The nature of personally identifiable information collected about you and the way we use such information;
 2. The nature, frequency, and purpose of any disclosure which we may make of such information;
 3. Disclosure of information to governmental entities and through legal process;
 4. The period of time we will maintain such information;
 5. The times and place you may have access to our collection of such information; and
 6. Your rights under the Cable Act.
1. Collection and Use of Personally Identifiable Information

In order that we may provide service to you and operate efficiently, we collect the following types of infor-

mation about you that may constitute personally identifiable information: your name, home and work address, telephone numbers, social security number, and credit information. Depending on the services we provide to you, our records also may include information on billing, payment, damage and security deposits, maintenance and repairs, the service options you have chosen, and the number of converters or other cable equipment installed in your home. We also keep records of research concerning subscriber satisfaction with the service, which are obtained from subscriber interviews and questionnaires. Additionally, we may have a record of whether you rent or own your home in the event that landlord permission is required prior to installing our cable facilities. We also maintain subscriber correspondence. Finally, we may sometimes obtain from third parties publicly available information about our subscribers that is not personally identifiable information under the Cable Act.

The personally identifiable information described in the preceding paragraph is used for purposes such as the following: to make sure you are being billed properly for the services you receive; to send you pertinent information about Time Warner Cable services; to improve the quality of Time Warner Cable's services; to answer questions from subscribers such as troubleshooting; to ensure compliance with relevant law and contractual provisions; and for tax and accounting purposes.

Under the Cable Act, we also may collect personally identifiable information over our system without your consent if it is necessary to provide services to you, or to prevent unauthorized access to services or subscriber data.

2. Disclosure of Personally Identifiable Information

Personally identifiable information that we maintain related to our subscribers will be disclosed without the prior written or electronic consent of subscribers only if: (1) it is necessary to render, or conduct a legitimate business related to, the services that are provided to you; (2) such disclosure is required by law or legal process as described below; or (3) for mailing lists as

described below. The types of persons to whom information about you may be disclosed in the course of providing cable service to you include the employees of Time Warner Cable and its related legal entities, agents, repair and installation subcontractors, sales representatives, accountants, billing and collection services and credit reporting agencies, consumer and market research firms, and authorized representatives of governmental bodies. Also upon reasonable request, personally identifiable information is disclosed to persons or entities with an equity interest in legal entities related to Time Warner Cable when they have a legal right to inspect our books and records.

Information for billing purposes is generally provided on a monthly basis. Information for other purposes is provided as it is needed.

Unless you object, the Cable Act also permits us to disclose personally identifiable information to others, such as advertisers and direct mail or telemarketers, for non-cable related purposes. Under the Cable Act, any disclosures for purposes other than as described in the preceding two paragraphs and in Section 3 of this notice is limited to the following "mailing list information": your name, address and the particular services to which you subscribe (e.g., HBO or other premium channels or tiers of service). Mailing list information cannot include the extent of your viewing habits or use of a particular service or the nature of any transaction you make over the cable system. We may disclose such mailing list information from time to time. In addition, such disclosures may include publicly available information we obtain from third parties that is not personally identifiable information. If you wish to have us remove information about you from our mailing list information, please notify us in writing at the system office at Time Warner Cable, P.O. Box 145, Kimberly, WI 54136.

3. Disclosure of Information to Government Entities and Other Legal Process

Federal law requires us to disclose personally identifiable information to a governmental entity or other third party pursuant to a court order. If the court order is sought by a governmental entity, the Cable Act requires that you be afforded the opportunity to contest

in court any claims made in support of the court order sought. At such a proceeding, the Cable Act requires the governmental entity to offer clear and convincing evidence that the subject of the information is reasonably suspected of engaging in criminal activity and that the information sought would be material evidence in the case. In addition, pursuant to an administrative subpoena, state welfare agencies may obtain the names and addresses of individuals as they appear in the subscriber records of cable companies with respect to those who owe, or are owed, welfare support. Such information may be obtained without a court order and does not require that a subscriber be given notice of and the opportunity to contest the disclosure.

4. Time Period That We Retain Personally Identifiable Information

We maintain personally identifiable information about our subscribers for as long as it is necessary for our business purposes. This period of time lasts as long as you are a subscriber and up to fifteen additional years so that we can comply with tax and accounting requirements.

5. Access to Records

Under the Cable Act, you have the right to inspect our records that contain personally identifiable information about you and correct any errors in such information. If you wish to inspect our records, please notify us in writing and an appointment at our local business office will be arranged promptly during our regular business hours.

6. Your Rights Under the Cable Act

The Cable Act provides you with a cause of action for damages, attorneys' fees and costs in Federal District Court should you believe that any of the limitations on the collection, disclosure, and retention of personally identifiable information have been violated by us. The Subscriber Agreement applicable to you may provide that, to the extent permitted by law, any claims that you have under the Cable Act will be decided in arbitration and attorneys' fees and punitive damages will not be available.