

FINAL BILL REPORT

ESSB 6776

C 193 L 06

Synopsis as Enacted

Brief Description: Prohibiting the unauthorized sale of telephone records.

Sponsors: Senate Committee on Water, Energy & Environment (originally sponsored by Senators Finkbeiner, Poulsen, Weinstein, Esser, Rasmussen, Keiser, Oke, Kline and Kohl-Welles).

Senate Committee on Water, Energy & Environment **House Committee on Technology, Energy & Communications**

Background: Federal and state laws require telecommunications companies to protect a customer's proprietary network information (CPNI), such as the customer's unlisted telephone number, what numbers are called, the length and price of such calls, and information about any subscribed services.

It has recently been reported that third-party data brokers have been using unscrupulous techniques, called "pretexting," to fool telecommunications companies into revealing a customer's CPNI. Pretexting includes cracking on-line accounts and impersonating customers. These brokers have been openly advertising on the internet. In July 2005, the Electronic Privacy Information Center, a public interest research center, identified 40 websites selling telephone calling records and other confidential information.

Summary: It is a class C felony to intentionally sell, knowingly purchase, or fraudulently obtain a person's telephone records without the person's permission. It is a gross misdemeanor to knowingly receive a person's telephone records without the person's permission. The Criminal Profiteering Act is amended to include the unauthorized sale or procurement of telephone records, which allows special remedies such as civil forfeiture and treble damages.

The following exceptions are made to the new criminal provisions: (1) any actions by a government agency or its employees in the performance of official duties; and (2) specified actions by a telecommunications company that are necessary to conduct business or are authorized by law or the customer.

In addition to criminal penalties, violators may also be subject to injunctive relief and damages of at least \$5,000 per violation. Reasonable attorneys' fees and other costs of litigation are also recoverable.

Various terms are defined, such as "telephone record," which includes telephone numbers and calling records, but does not include caller ID or similar services.

Votes on Final Passage:

Senate 47 0

House 96 0

Effective: June 7, 2006