

House Bill 1290

By: Representatives Hill of the 180th, Lewis of the 15th, Lane of the 167th, and Lane of the 158th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 5 of Title 46 of the Official Code of Georgia Annotated, relating to
2 telephone and telegraph service, so as to prohibit the intentional sale or fraudulent transfer
3 or use of the records of a customer of a telephone service provider; to provide a short title;
4 to provide for a fine, imprisonment of not more than ten years, or both; to exempt law
5 enforcement agencies; to provide definitions; to provide a legislative purpose; to provide for
6 related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 5 of Title 46 of the Official Code of Georgia Annotated, relating to telephone and
10 telegraph service, is amended by adding a new Article 6 to read as follows:

11 "ARTICLE 6

12 46-5-200.

13 This article shall be known and may be cited as the 'Consumer Telephone Records
14 Protection Act.'

15 46-5-201.

16 The General Assembly finds that:

17 (1) Telephone records can be of great use to criminals because the information contained
18 in call logs listed in such records include a wealth of personal data;

19 (2) Many call logs reveal the name of telephone users' doctors, public and private
20 relationships, business associates, and more;

21 (3) Although other personal information such as social security numbers may appear on
22 public documents, which can be accessed by data brokers, the only warehouse of
23 telephone records is located at the telephone companies themselves;

24 (4) Telephone records are sometimes accessed without authorization of the customer by:

- 1 (A) An employee of the telephone service provider selling the data; and
2 (B) 'Pretexting,' whereby a data broker or other person pretends to be the owner of the
3 telephone and convinces the telephone company's employees to release the data to such
4 person; and
5 (5) Telephone companies encourage customers to manage their accounts online with
6 many setting up the online capability in advance, although many customers never access
7 their account online. If someone seeking the information activates the account before
8 the customer, he or she can gain unfettered access to the telephone records and call logs
9 of that customer.

10 46-5-202.

11 As used in this article, the term:

12 (1) 'Confidential records of a customer' means any data or information associated with
13 an individual contained in a data base, networked or integrated data bases, or other data
14 system of a telephone service provider. Said data or information associated with an
15 individual includes any information that:

16 (A) Relates to the quantity, technical configuration, type, destination, location, and
17 amount of use of a service offered by a telephone service provider subscribed to by any
18 customer of that telephone service provider;

19 (B) Is made available to a telephone service provider by a customer solely by virtue of
20 the relationship between the telephone service provider and the customer; or

21 (C) Is contained in any bill received by any customer related to the product or service
22 offered by the telephone service provider and received by any customer of the
23 telephone service provider.

24 'Confidential records of a customer' does not include subscriber list information.

25 (2) 'Customer' means any person to whom the telephone service provider provides a
26 product or service.

27 (3) 'IP enabled voice service' means the provision of real-time two-way voice
28 communications offered to the public, or such class of users as to be effectively available
29 to the public, transmitted through customer premises equipment using TCP/IP protocol,
30 or a successor protocol, for a fee, whether part of a bundle of services or separately, with
31 two-way interconnection capability such that the service can originate traffic to, and
32 terminate traffic from, a public switched telephone network.

33 (4) 'Subscriber' means a person who has subscribed to telephone service from a
34 telephone service provider or other persons living or residing with such person.

35 (5) 'Subscriber list information' means any information:

1 (A) Identifying the listed names of subscribers of a telephone service provider and such
2 subscribers' telephone numbers, addresses, or primary advertising classifications, as
3 such classifications are assigned at the time of the establishment of such service, or any
4 combination of such listed names, numbers, addresses, or classifications; and

5 (B) That the telephone service provider or an affiliate has published, caused to be
6 published, or accepted for publication in any directory format.

7 (6) 'Telephone service' means the services for the transmission of two-way interactive
8 communications to the public for hire and includes but is not limited to any form of
9 wireless telephone service, including:

10 (A) Cellular telephone service;

11 (B) Broadband personal communication service telephone service;

12 (C) Covered specialized mobile radio service;

13 (D) IP enabled voice service; and

14 (E) Any successor to such service, including but not limited to so-called next
15 generation or third generation service.

16 (7) 'Telephone service provider' means any person, firm, partnership, corporation,
17 association, or municipal, county, or local governmental entity offering telephone service
18 to the public for hire.

19 46-5-203.

20 (a) Whoever knowingly and intentionally obtains, sells, or fraudulently transfers or
21 fraudulently uses the confidential records of a customer of a telephone service provider
22 shall be fined not more than \$250,000.00, imprisoned for not more than ten years, or both.

23 (b) The provisions of subsection (a) of this Code section shall not prevent any action by
24 a law enforcement agency or any officer, employee, or agent of such agency to otherwise
25 lawfully obtain the confidential records of a customer of a telephone service provider in
26 connection with the performance of the official duties of the agency.

27 (c) A telephone service provider or any employee thereof shall not be in violation of
28 subsection (a) of this Code section if such provider, upon request, transfers or otherwise
29 provides to a law enforcement agency or any officer, employee, or agent of such agency
30 the confidential records of a customer of such provider."

31 **SECTION 2.**

32 All laws and parts of laws in conflict with this Act are repealed.