

Date of Hearing: May 1, 2019

ASSEMBLY COMMITTEE ON COMMUNICATIONS AND CONVEYANCE

Miguel Santiago, Chair

AB 1079 (Santiago) – As Introduced February 21, 2019

SUBJECT: Telecommunications: privacy protections

SUMMARY: Authorizes public safety agencies to test the systems that respond to 911 calls or communicate threats to life or property on unpublished or unlisted telephone numbers without first obtaining the subscriber's express consent.

EXISTING LAW:

- 1) Establishes the Warren-911 Emergency Assistance Act, which establishes the number "911" as the primary emergency telephone number for use in this state and to encourage units of local government and combinations of such units to develop and improve emergency communication procedures and facilities in such a manner as to be able to quickly respond to any person calling the telephone number "911" seeking police, fire, medical, rescue, and other emergency services. (Government Code (GOV) Section 53100 *et seq.*)
- 2) Prohibits a telephone corporation selling or licensing lists of residential subscribers, from including the telephone number of any subscriber assigned an unlisted or unpublished access number. Specifies that a subscriber may waive all or part of the protection through written notice to the telephone corporation. (Public Utilities Code (PUC) Section 2891.1)
- 3) Prohibits a provider of mobile telephony services, or any direct or indirect affiliate or agent of a provider, from providing the name and dialing number of a subscriber for inclusion in any directory of any form, or selling the contents of any directory database, or any portion or segment, from including the dialing number of any subscriber without first obtaining the express consent of that subscriber. (PUC Section 2891.1)
- 4) Exempts the following parties from the prohibition on including specified telephone numbers for the purposes indicated:
 - a) To a collection agency, to the extent disclosures made by the agency are supervised by the California Public Utilities Commission (CPUC), exclusively for the collection of unpaid debts;
 - b) To any law enforcement agency, fire protection agency, public health agency, public environmental health agency, city or county emergency services planning agency, or private for-profit agency operating under contract with, and at the direction of, one or more of these agencies, for the exclusive purpose of responding to a 911 call or communicating an imminent threat to life or property, as specified;
 - c) To a lawful process issued under state or federal law;

- d) To a telephone corporation providing service between service areas for the provision to the subscriber of telephone service between service areas, or to third parties for the limited purpose of providing billing services;
 - e) To a telephone corporation to effectuate a customer's request to transfer the customer's assigned telephone number from the customer's existing provider of telecommunications services to a new provider of telecommunications services; or,
 - f) To the CPUC pursuant to its jurisdiction and control over telephone and telegraph corporations. (PUC Section 2891.1)
- 5) Defines "unpublished or unlisted access number" to mean a telephone, telex, teletex, facsimile, computer modem, or any other code number that is assigned to a subscriber by a telephone or telegraph corporation for the receipt of communications initiated by other telephone or telegraph customers and that the subscriber has requested that the telephone or telegraph corporation keep in confidence. (PUC Section 2891.1)

FISCAL EFFECT: Unknown. This bill has been keyed non-fiscal by the Legislative Counsel.

COMMENTS:

- 1) **Authors Statement:** According to the author, "There are many customers who have their telephone numbers unlisted or unpublished in public directories for various reasons, such as public safety or privacy concerns. Although public safety officials may contact these numbers to respond to an emergency; they are not able to test their systems with these numbers beforehand. This puts thousands of Californians at risk of not receiving timely and critical information during an emergency. AB 1079 would ensure that all Californians are able to receive critical emergency communications and alerts so that they are informed of what to do in case of an emergency."
- 2) **Background:** The Warren-911 Emergency Assistance Act established California's 911 emergency telephone response system in 1973. California has one of the nation's largest 911 system with over 442 call center to handle its 911 calls. The Warren-911 Act provided a single, primary three-digit emergency number through which emergency service could quickly and efficiently be obtained. California's 911 system was built on an infrastructure of analog, circuit-switched network technology known as public safety answering points (PSAP) which is designed mostly to support voice and limited data services. There are currently 438 PSAPs in California that handle 911 calls. The Office of Emergency Services (Cal OES) is tasked with coordinating the overall state response to disasters which includes oversight of the State's 911 system.
- 3) **Unlisted and Unpublished Numbers:** Most telephone companies provide subscribers with the option to unlist or unpublished their telephone numbers. Unlisted service is an option in which a subscriber may have their telephone number not listed in any directory, such as white pages. Unpublished service is an option in which subscribers may have their telephone numbers not listed in any directory or directory assistance, such as 4-1-1. Although California law encourages customers to list their telephone numbers by requiring free directory listings and the distribution of free white pages directories, unlisted services

provide protections for individuals more susceptible to public safety dangers, such as law enforcement officials, prison guards, and crime victims.

- 4) **Emergency Alerts:** Emergency alerts come in various forms. From door-to-door announcements, to autodialing calls and the federally administered Emergency Alert System and Wireless Emergency Alert System; each system comes with its own capabilities and drawbacks. In California, many jurisdictions use autodialing devices to notify their residents of an emergency. These systems provide pre-recorded messages to telephone numbers located within a defined target area. Such systems may be effective in identifying locations based on physical addresses assigned to a landline, but wireless telephone users must opt-in to the service and register their number with the local jurisdiction in order to receive the alerts.

The reported failures of some of the State's emergency alert systems during disasters suggest a need to simultaneously employ redundant systems so when an emergency happens, public safety officials can be confident that there are multiple systems capability of delivering emergency alerts should one fail. This bill authorizes public safety agencies to test the systems that respond to 911 calls or communicate threats to life or property on unlisted or unpublished telephone numbers. Although public safety officials may contact these numbers to respond to an emergency; they are not able to test their systems with these numbers beforehand. This puts thousands of Californians at risk of not receiving timely and critical information during an emergency. This bill ensures that all Californians are able to receive critical emergency communications and alerts so that they are informed of what to do in case of an emergency.

- 5) **Arguments in Support:** According to the California State Sheriffs' Association, "Existing law generally prohibits mobile telephone service providers from providing the names and telephone numbers of their subscribers to other entities without the express consent of the subscribers. The only time a mobile telephone provider may give a subscriber's information to law enforcement agencies or other government entities is for the exclusive purpose of responding to a 911 call or communicating an imminent threat to life or property. However, the law does not authorize the sharing of mobile telephone numbers for the purpose of testing emergency alert systems. By allowing agencies to obtain the telephone numbers of California residents for the purposes of testing state and local emergency alert systems, AB 1079 better prepares the state for the next disaster."
- 6) **Related Legislation:** AB 911 (Rodriguez) of 2019 requires Cal OES to establish a statewide system that enables all Californians to voluntarily share information about themselves to first responders during an emergency. *Status: Pending in the Assembly Committee on Appropriations.*

AB 956 (Diep) of 2019 authorizes public safety agencies to place calls through automatic dialing-announcing devices for the purposes of testing the enhanced 911 emergency telephone system. *Status: Pending in the Assembly Committee on Privacy and Consumer Protection.*

AB 1168 (Mullin) of 2019 requires each PSAP to deploy a text to 911 service that enables an individual to text "911" for emergency service by January 1, 2021. *Status: Pending in the Assembly Committee on Appropriations.*

REGISTERED SUPPORT / OPPOSITION:

Support

California State Sheriffs' Association

Opposition

None on file.

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