

Date of Hearing: March 29, 2023

ASSEMBLY COMMITTEE ON COMMUNICATIONS AND CONVEYANCE

Tasha Boerner Horvath, Chair

AB 1102 (Jim Patterson) – As Introduced February 15, 2023

SUBJECT: Telecommunications: privacy protections: 988 calls

SUMMARY: This bill would expand an existing privacy exemption authorizing telephone corporations to share telephone numbers with specified entities without regard to consent in specified circumstances. Specifically, **this bill:**

- 1) Would additionally authorize a telephone corporation to provide telephone numbers to a 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 purpose of responding to a 988 call, communicating an imminent threat to life or property, or testing the systems that respond to 988 calls or communicate threats to life or property.

EXISTING LAW:

- 1) Establishes the California Public Utilities Commission and vests the agency with regulatory authority over public utilities, including telephone corporations. (Article 12 of the California Constitution)
- 2) Prohibits a telephone corporation, when selling or licensing lists of residential subscribers, from including the telephone number of any subscriber assigned an unpublished or unlisted access number without the subscriber's written waiver of this protection.
- 3) Prohibits a provider of mobile telephony services, as defined, or any affiliate or agent of the provider, when providing the name and dialing number of a subscriber for inclusion in a directory or directory database, from including the dialing number of any subscriber without first obtaining the express consent of that subscriber.
- 4) Establishes an exemption to telephone number privacy law, which authorizes the sharing of telephone numbers without regard to consent to a specified entities for the sole purpose of responding to a 911 call, communicating an imminent threat to life or property, or testing the systems that respond to 911 calls or communicate threats to life or property.
- 5) Existing federal law, the National Suicide Hotline Designation Act of 2020 (NSHD), designates the 3-digit telephone number "9-8-8" as the national suicide prevention and mental health crisis hotline. (Public Law No: 116-172)
- 6) Requires the California Health and Human Services Agency (HHSA), by no later than December 21, 2023, to create a set of recommendations to support the five-year implementation plan for the 988 hotline in California.

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

COMMENTS:

- 1) *Telephone Corporation Customer Right of Privacy*. Local, long distance and wireless phone corporations (companies), as well as IP service providers, collect certain customer information, such as the numbers and when they are called. Telephone companies also track the services customers use, such as call forwarding or voice mail. The companies may use, disclose or permit access to this information in specified circumstances. For example, as required by law or if the customer consents. Additionally, under existing state law, telephone companies are required obtain a customer's consent to use customer information for marketing purposes. Existing state law also provides for specified exemptions to the general customer rights to privacy in matters related to safety, such as a 911 call. In those specified instances outlined in existing law, a telephone company is permitted to share a customer telephone number without their consent.
- 2) *988 Hotline*. The National Suicide Hotline Designation Act of 2020 (NSHD) designated 9-8-8 as the new three-digit number for the national suicide prevention and mental health crisis hotline. The NSHD requires the Federal Communications Commission (FCC) to designate 9-8-8 as the universal telephone number for a national suicide prevention and mental health crisis hotline, which operates through the National Suicide Prevention Lifeline. Unlike 911, which is used for general emergencies, 988 is specifically for suicide prevention and mental health crises. The hotline was created as alternative to 911 for individuals suffering mental health crises, when calling 911 might not be appropriate. To the extent that 988 is a new number that could be utilized when there is an imminent threat to life, extending existing privacy exemptions for 911 callers to callers of 988 would be consistent with existing law.
- 3) *Double referral*. This bill will be referred to the Assembly Committee on Privacy and Consumer Protection should it pass this committee.

REGISTERED SUPPORT / OPPOSITION:**Support**

None on file

Opposition

None on file

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