

# Customer Privacy (CPNI) Regulatory Compliance Guide

---

Your Comprehensive Guide for Ensuring Compliance with Federal Communications Commission (FCC) Regulations Governing Privacy, Protection and Use of Customer Proprietary Network Information



**Communications Law  
Compliance Series**  
*from The CommLaw Group*



**MARASHLIAN  
& DONAHUE, PLLC**  
THE *COMMLAW* GROUP

**Customer Privacy (CPNI) Regulatory Compliance Guide:**  
*Your Comprehensive Guide for Ensuring Compliance with Federal  
Communications Commission (FCC) Regulations Governing Privacy,  
Protection and Use of Customer Proprietary Network Information*

© 2015, All Rights Reserved

The *CommLaw* Group • [www.commlawgroup.com](http://www.commlawgroup.com)

This Guide reflects the state of applicable laws, rules and regulations as of 2015.

No part of the material contained herein may be reproduced by any mechanical, photographic, or electronic process, or in the form of a photographic recording, nor may it be stored in a retrieval system, transmitted or otherwise copied for private, public or commercial use, reposted, disclosed, or redistributed, without prior written permission from the copyright holders.

**LEGAL NOTICE**

This Guide has been prepared for informational purposes only and is not for the purpose of providing legal advice. Your use of this Manual does not create an attorney-client relationship between Marashlian & Donahue, PLLC and you. You should not act upon the information set forth herein without seeking professional counsel. The information in the Guide is not guaranteed or promised to be current.

Federal, State, and International laws and regulations governing communications are subject to change through legislation, court decisions, and regulatory decisions, policy shifts and rulemakings. Many such changes are often subject to adequate advance public notice before taking effect allowing time to adjust to any new requirements. However, recently, some changes are being effected with little or no advance notice. Before any major initiatives are undertaken the most prudent practice is to check on the current status of any applicable laws and regulations that may apply. Some of the content on this document may be considered Attorney Advertising under the applicable rules of certain states. Prior results do not guarantee a similar outcome.

# TABLE OF CONTENTS

<b>Rules for Handling CPNI.....</b>	<b>5</b>
<b>What is CPNI?.....</b>	<b>5</b>
<b>Customer Approval for Use of CPNI .....</b>	<b>5</b>
<b>Notice Requirements .....</b>	<b>6</b>
<b>Use of CPNI without Customer Approval .....</b>	<b>7</b>
<b>CPNI Safeguards .....</b>	<b>7</b>
<b>Authorized Disclosure of CPNI .....</b>	<b>8</b>
<b>Business Customers Exemption.....</b>	<b>9</b>
<b>Customer Notification of CPNI Changes.....</b>	<b>9</b>
<b>Unauthorized Access to CPNI .....</b>	<b>9</b>
<b>Interconnected VoIP .....</b>	<b>10</b>
<b>Annual Officer Certification Filing .....</b>	<b>10</b>
<b>Additional Measures .....</b>	<b>10</b>
<b>Enforcement .....</b>	<b>10</b>
<b>Frequently Asked Questions:.....</b>	<b>12</b>
<b>What duties do I have under the CPNI Regulations? .....</b>	<b>12</b>
<b>Can I ever use CPNI without a customer’s approval?.....</b>	<b>12</b>
<b>What types of marketing can I conduct without using CPNI? .....</b>	<b>12</b>
<b>What must be included in my “CPNI Compliance Certification?” .....</b>	<b>13</b>
<b>What rules or regulations do not apply if I am not using CPNI?.....</b>	<b>13</b>
<b>What formats can I use to receive authorizations? .....</b>	<b>13</b>
<b>When can I disclose the information to other parties? .....</b>	<b>14</b>

# INTRODUCTION

In 1999, the Federal Communications Commission ("FCC") began implementing the consumer privacy provisions set forth in Section 222 of the Communications Act of 1934, as amended by the Telecommunications Act of 1996 ("the Act"). Through a series of decisions, the FCC established a comprehensive regulatory regime to protect Customer Proprietary Network Information, or CPNI, from unlawful access and use. See 47 C.F.R. Sec. 64.2003 through 64.2009.

Under the regulatory framework established and enforced by the FCC, all carriers who maintain or have access to customer information are required to prevent access to, and unlawful use of, CPNI, particularly with respect to carrier marketing campaigns and unauthorized third parties.

In recent years, the issue of CPNI protection gained national attention due to the unscrupulous activities of "data miners" and "brokers," "pretexters," and other entities that allegedly gained unlawful access to, and exploited, CPNI from several major telecommunications service providers. Media attention led Congress to exert pressure on the FCC to enforce its existing Regulations and take further actions to protect consumer privacy. The FCC heeded Congress' call to action.

On May 2, 2007, the FCC promulgated additional CPNI regulations that extended the reach of Section 222's protections to Interconnected VoIP providers and added several new compliance rules, including FCC filing requirements, law enforcement and record-keeping responsibilities, and customer notification duties. The FCC explicitly stated that CPNI protection was of the utmost importance and that it would not be shy about enforcing the new rules.

True to its word, on February 24, 2009, the FCC released an Omnibus Notice of Apparent Liability for Forfeiture charging over 650 companies with a violation of the FCC CPNI rules by failing to timely file CPNI compliance certifications for the 2007 calendar year. The FCC proposed a forfeiture in the amount of \$20,000 for each such alleged failure to file the CPNI certification. On the same day, the FCC also released a number of Notices of Apparent Liability, imposing lesser fines upon individual carriers which, although having timely filed CPNI certifications, fell short of full compliance with CPNI requirements. Thus, by its enforcement and rulemaking actions, the FCC has un-mistakenly signaled that compliance with its CPNI regulations is a serious responsibility shared by all telecommunications service providers that should not be ignored.

Under the regulatory framework established and enforced by the FCC, all carriers who maintain or have access to customer information are required to prevent access to, and unlawful use of, CPNI, particularly with respect to carrier marketing campaigns and unauthorized third parties. In this Guide, you will find a detailed explanation of the current CPNI Regulations and carrier duties thereunder. Also included are "Frequently Asked Questions" about CPNI compliance to help answer common questions.

## About the Authors

**Marashlian & Donahue, PLLC, [The CommLaw Group](#)**, is not your ordinary law firm. Together with [The Compliance Group](#), its affiliated consultancy, The *CommLaw Group* is a professional services "organization" that was specially designed and staffed to service the full-range of legal, consulting and compliance needs of the telecommunications, broadcast, information technology and Internet services and manufacturing industries. Boasting a vibrant and diverse communications law practice, The *CommLaw Group* currently serves hundreds of clients throughout the U.S. and internationally. The firm's loyal base includes clients of all shapes and sizes, from start-ups to Fortune 100 enterprises, and from practically every sector of the communications and info tech

industries. The firm also serves the intellectual property, privacy, cyber-security, litigation and general business law needs of its clientele.

In 2005, anticipating the seismic shift in the market for effective, yet affordable legal services, The *CommLaw* Group set out to engineer its one-of-a-kind, "[Full Spectrum](#)" professional services business model. The ground-breaking processes developed by the firm enable it to provide value-driven, high-quality professional services that deliver business-savvy solutions for reasonable, predictable, task appropriate costs; all provided with the customer-friendly approach that has become the firms' hallmark characteristic.

The *CommLaw* Group is led by its founder and managing partner, Jonathan S. Marashlian, an AV Preeminent Rated, nationally-recognized expert in the areas of communications taxes, regulatory fees, regulatory litigation, audits, advocacy and defense. Winner of a SmartCEO Executive Management Award for his [innovation and leadership](#) in the legal profession, Mr. Marashlian also earned multiple [Client Choice Awards](#) by Lexology/International Law Office; named overall winner in the Telecommunications Law – USA category.

The *CommLaw* Group is the recipient of several ACQ Law and ACQ Global Awards and was named "Customer Service Law Firm of the Year" and "Best Communications Law Firm of the Year" in the U.S., and was profiled in the Wall Street Journal as one of Washington D.C.'s [Premier Law Firms](#).

Contact The *CommLaw* Group:

## MARASHLIAN & DONAHUE, PLLC

### The *CommLaw* Group

1420 Spring Hill Road, Suite 401

McLean, Virginia 22102

Office Tel: 703-714-1313

Office Fax: 703-563-6222

E-Mail: [jsm@commlawgroup.com](mailto:jsm@commlawgroup.com)

Website: [www.CommLawGroup.com](http://www.CommLawGroup.com)

**ATTORNEY ADVERTISING DISCLAIMER:** This information may be considered advertising in some jurisdictions under the applicable law and ethical rules. The determination of the need for legal services and the choice of a lawyer are extremely important decisions and should not be based solely upon advertisements or self-proclaimed expertise. No representation is made that the quality of the legal services to be performed is greater than the quality of legal services performed by other lawyers.