

Subpart EE—TRS Customer Proprietary Network Information.

SOURCE: 78 FR 40613, July 5, 2013, unless otherwise noted.

§ 64.5101 Basis and purpose.

(a) *Basis.* The rules in this subpart are issued pursuant to the Communications Act of 1934, as amended.

(b) *Purpose.* The purpose of the rules in this subpart is to implement customer proprietary network information protections for users of telecommunications relay services pursuant to sections 4, 222, and 225 of the Communications Act of 1934, as amended, 47 U.S.C. 4, 222, and 225.

§ 64.5103 Definitions.

(a) *Address of record.* An “address of record,” whether postal or electronic, is an address that the TRS provider has associated with the customer for at least 30 days.

(b) *Affiliate.* The term “affiliate” shall have the same meaning given such term in section 3 of the Communications Act of 1934, as amended, 47 U.S.C. 153.

(c) *Call data information.* The term “call data information” means any information that pertains to the handling of specific TRS calls, including the call record identification sequence, the communications assistant identification number, the session start and end times, the conversation start and end times, incoming and outbound telephone numbers, incoming and outbound internet protocol (IP) addresses, total conversation minutes, total session minutes, and the electronic serial number of the consumer device.

(d) *Communications assistant (CA).* The term “communications assistant” or “CA” shall have the same meaning given to the term in § 64.601(a) of this part.

(e) *Customer.* The term “customer” means a person:

- (1) To whom the TRS provider provides TRS or point-to-point service, or
- (2) Who is registered with the TRS provider as a default provider.

(f) *Customer proprietary network information (CPNI).* The term “customer proprietary network information” or “CPNI” means information that re-

lates to the quantity, technical configuration, type, destination, location, and amount of use of a telecommunications service used by any customer of a TRS provider; and information regarding a customer’s use of TRS contained in the documentation submitted by a TRS provider to the TRS Fund administrator in connection with a request for compensation for the provision of TRS.

(g) *Customer premises equipment (CPE).* The term “customer premises equipment” or “CPE” shall have the same meaning given to such term in section 3 of the Communications Act of 1934, as amended, 47 U.S.C. 153.

(h) *Default provider.* The term “default provider” shall have the same meaning given such term in § 64.601(a) of this part.

(i) *Internet-based TRS (iTRS).* The term “Internet-based TRS” or “iTRS” shall have the same meaning given to the term in § 64.601(a) of this part.

(j) *iTRS access technology.* The term “iTRS access technology” shall have the same meaning given to the term in § 64.601(a) of this part.

(k) *Opt-in approval.* The term “opt-in approval” shall have the same meaning given such term in § 64.5107(b)(1) of this subpart.

(l) *Opt-out approval.* The term “opt-out approval” shall have the same meaning given such term in § 64.5107(b)(2) of this subpart.

(m) *Point-to-point service.* The term “point-to-point service” means a service that enables a VRS customer to place and receive non-relay calls without the assistance of a CA over the VRS provider facilities using VRS access technology. Such calls are made by means of ten-digit NANP numbers assigned to customers by VRS providers. The term “point-to-point call” shall refer to a call placed via a point-to-point service.

(n) *Readily available biographical information.* The term “readily available biographical information” means information drawn from the customer’s life history and includes such things as the customer’s social security number, or the last four digits of that number; mother’s maiden name; home address; or date of birth.

(o) *Sign language*. The term “sign language” shall have the same meaning given to the term in § 64.601(a) of this part.

(p) *Telecommunications relay services (TRS)*. The term “telecommunications relay services” or “TRS” shall have the same meaning given to such term in § 64.601(a) of this part.

(q) *Telephone number of record*. The term “telephone number of record” means the telephone number associated with the provision of TRS, which may or may not be the telephone number supplied as part of a customer’s “contact information.”

(r) *TRS Fund*. The term “TRS Fund” shall have the same meaning given to the term in § 64.604(c)(5)(iii) of this part.

(s) *TRS provider*. The term “TRS provider” means an entity that provides TRS and shall include an entity that provides point-to-point service.

(t) *TRS-related services*. The term “TRS-related services” means, in the case of traditional TRS, services related to the provision or maintenance of customer premises equipment, and in the case of iTRS, services related to the provision or maintenance of iTRS access technology, including features and functions typically provided by TRS providers in association with iTRS access technology.

(u) *Valid photo ID*. The term “valid photo ID” means a government-issued means of personal identification with a photograph such as a driver’s license, passport, or comparable ID that has not expired.

(v) *Video relay service*. The term “video relay service” or VRS shall have the same meaning given to the term in § 64.601(a) of this part.

(w) *VRS access technology*. The term “VRS access technology” shall have the same meaning given to the term in § 64.601(a) of this part.

EFFECTIVE DATE NOTE: At 78 FR 40613, July 5, 2013, § 64.5104 was added. Paragraphs (c)(4) and (c)(5) contain information collection and recordkeeping requirements and will not become effective until approval has been given by the Office of Management and Budget.

§ 64.5105 Use of customer proprietary network information without customer approval.

(a) A TRS provider may use, disclose, or permit access to CPNI for the purpose of providing or lawfully marketing service offerings among the categories of service (*i.e.*, type of TRS) for which the TRS provider is currently the default provider for that customer, without customer approval.

(1) If a TRS provider provides different categories of TRS, and the TRS provider is currently the default provider for that customer for more than one category of TRS offered by the TRS provider, the TRS provider may share CPNI among the TRS provider’s affiliated entities that provide a TRS offering to the customer.

(2) If a TRS provider provides different categories of TRS, but the TRS provider is currently not the default provider for that customer for more than one offering by the TRS provider, the TRS provider shall not share CPNI with its affiliates, except as provided in § 64.5107(b) of this subpart.

(b) A TRS provider shall not use, disclose, or permit access to CPNI as described in this paragraph (b).

(1) A TRS provider shall not use, disclose, or permit access to CPNI to market to a customer TRS offerings that are within a category of TRS for which the TRS provider is not currently the default provider for that customer, unless that TRS provider has customer approval to do so.

(2) A TRS provider shall not identify or track CPNI of customers that call competing TRS providers and, notwithstanding any other provision of this subpart, a TRS provider shall not use, disclose or permit access to CPNI related to a customer call to a competing TRS provider.

(c) A TRS provider may use, disclose, or permit access to CPNI, without customer approval, as described in this paragraph (c).

(1) A TRS provider may use, disclose or permit access to CPNI derived from its provision of TRS without customer approval, for the provision of CPE or iTRS access technology, and call answering, voice or video mail or messaging, voice or video storage and retrieval services.