

shall be contemporaneously logged on the same reporting facility that contains records of notifications filed by TRS providers.

(c) *Customer notification.* After a TRS provider has completed the process of notifying law enforcement pursuant to paragraph (b) of this section, and consistent with the waiting requirements specified in paragraph (b) of this section, the TRS provider shall notify its customers of a breach of those customers' CPNI.

(d) *Recordkeeping.* All TRS providers shall maintain a record, electronically or in some other manner, of any breaches discovered, notifications made to the USSS and the FBI pursuant to paragraph (b) of this section, and notifications made to customers. The record must include, if available, dates of discovery and notification, a detailed description of the CPNI that was the subject of the breach, and the circumstances of the breach. TRS providers shall retain the record for a minimum of 2 years.

(e) *Definition.* As used in this section, a "breach" has occurred when a person, without authorization or exceeding authorization, has intentionally gained access to, used, or disclosed CPNI.

(f) This section does not supersede any statute, regulation, order, or interpretation in any State, except to the extent that such statute, regulation, order, or interpretation is inconsistent with the provisions of this section, and then only to the extent of the inconsistency.

EFFECTIVE DATE NOTE: At 78 FR 40613, July 5, 2013, § 64.5111 was added. This section contains information collection and record-keeping requirements and will not become effective until approval has been given by the Office of Management and Budget.

### Subpart FF—Inmate Calling Services

SOURCE: 78 FR 67975, Nov. 13, 2013, unless otherwise noted.

#### § 64.6000 Definitions.

As used in this subpart:

*Ancillary charges* mean any charges to Consumers not included in the charges assessed for individual calls and that Consumers may be assessed for the use

of Inmate Calling Services. Ancillary Charges include, but are not limited to, fees to create, maintain, or close an account with a Provider; fees in connection with account balances, including fees to add money to an account; and fees for obtaining refunds of outstanding funds in an account;

*Collect calling* means a calling arrangement whereby the called party agrees to pay for charges associated with an Inmate Calling Services call originating from an Inmate Telephone;

*Consumer* means the party paying a Provider of Inmate Calling Services;

*Debit calling* means a calling arrangement that allows a Consumer to pay for Inmate Calling Services from an existing or established account;

*Inmate* means a person detained at a correctional institution, regardless of the duration of the detention;

*Inmate calling services* means the offering of interstate calling capabilities from an Inmate Telephone;

*Inmate telephone* means a telephone instrument or other device capable of initiating telephone calls set aside by authorities of a correctional institution for use by Inmates;

*Prepaid calling* means a calling arrangement that allows Consumers to pay in advance for a specified amount of Inmate Calling Services;

*Prepaid collect calling* means a calling arrangement that allows an Inmate to initiate an Inmate Calling Services call without having a pre-established billing arrangement and also provides a means, within that call, for the called party to establish an arrangement to be billed directly by the Provider of Inmate Calling Services for future calls from the same Inmate;

*Provider of Inmate Calling Services, or Provider,* means any communications service provider that provides Inmate Calling Services, regardless of the technology used.

#### § 64.6010 Cost-based rates for inmate calling services.

All rates charged for Inmate Calling Services and all Ancillary Charges must be based only on costs that are reasonably and directly related to the provision of ICS.