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## SPECIAL BULLETIN

### **Broadband Privacy** *Data Security Rules Delayed*

As expected, the FCC acted ([Order](#)) to delay implementation of the Data Security rules adopted in the Broadband Privacy order, which are slated to become effective today, March 2, 2017. This means that the rules, most recently outlined in the February 22, 2017 *Special Bulletin*, can now be safely, and officially, ignored (at least until the FCC fully addresses several petitions for reconsidered filed in regards to the Broadband Privacy order).

In granting in part a [petition for stay](#) filed by a number of national associations, including NTCA and USTelecom, the FCC utilized some rather novel arguments. At one point, the argument is made that a majority of the current Commission opposed the original broadband privacy rules; a true statement, but one that omits the fact that two Democrats, and supporters of the broadband privacy rules, are no longer serving on the Commission. Nonetheless, overall the stay of the new data security rules should come as a relief to most, if not all, small BIAS providers.

The stay of the data security rules also means that the status quo with respect to the previous rules is in effect, and thus the provisions previously contained in Section 64.2009(a)-(b), (d) and (f) as well as 64.2010 must be followed regarding the handling of telecommunications information (i.e., CPNI). However, the certification obligations previously contained in 64.2009(c) and (e) that were eliminated via the Broadband Privacy Order remain deleted (the annual CPNI certification).

It should be noted that BIAS providers must still comply with Section 222 of the Telecommunications Act in regards to privacy and data security. To this end, an industry group offered a list of ISP Privacy Principles that all BIAS providers should consider following (see Appendix A of the petition for stay linked to above).

Please let us know if you have any questions.



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Questions? Comments?

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