

How Title II Protects Online Privacy

Recently, the Federal Trade Commission released a [report](#) documenting the privacy violations of internet service providers. ISPs routinely amass large troves of consumer data, use it in ways that consumers do not expect, and make it extremely difficult for internet users to protect their privacy. Reclassifying broadband under Title II of the Communications Act of 1934 is a crucial step in stopping invasions of privacy by broadband providers. This classification offers a powerful legal framework to safeguard privacy in the following ways:

- 1. Strong Legal Foundation:** Reclassifying broadband under Title II fortifies the legal basis for broadband service regulation – giving it the same protections enjoyed by telephone services. It confers explicit authority upon the Federal Communications Commission to create and enforce rules that protect user privacy. Such a robust framework ensures that broadband providers cannot engage in practices that undermine the privacy interests of the public.
- 2. Authority To Create and Enforce Privacy Rules:** Crucially, Title II grants the FCC the authority to create privacy rules and vigorously enforce them. Specifically, the Customer Proprietary Network Information, or CPNI, statute of the Communications Act grants the FCC explicit authority to oversee and penalize any violations of customer data privacy. Title II reclassification will ensure the FCC has the authority to hold broadband providers to strict privacy standards.
- 3. Privacy Protections:** Under Title II, broadband providers would be required to get opt-in consent before any personal information can be transferred to a third party. While there are exceptions to this rule to ensure effective responses from 911 and other emergency services, these exceptions are narrow. Furthermore, law enforcement must get a warrant in order to access any personal information collected by an ISP. Title II classification also gives the FCC authority to create robust transparency requirements.
- 4. Consumer Complaints and Redress:** Title II classification provides an avenue for consumers to lodge complaints with the FCC regarding privacy infringements by their broadband providers. The FCC can use those complaints as the basis for investigating and imposing sanctions on ISPs who violate privacy rules. This mechanism assures consumers that their privacy rights are protected.

Reclassifying broadband under Title II empowers the FCC to establish and enforce strict privacy protections as well as ensure that consumers have a solid recourse for privacy violations. This approach is paramount for preserving the privacy and digital rights of all internet users.