

Media Contact:

Will Wiquist, (202) 418-0509 will.wiquist@fcc.gov

For Immediate Release

FCC TAKES STEP TOWARDS ENSURING CONSUMERS HAVE UNIFORM ONLINE PRIVACY PROTECTIONS

WASHINGTON, March 1, 2017 – The Federal Communications Commission today announced that it had taken a step towards ensuring that consumers have uniform online privacy protections. Specifically, it has issued a temporary stay of a data security regulation that would have subjected Internet service providers (ISPs) to a different standard than that applied to other companies in the Internet ecosystem by the Federal Trade Commission (FTC). The regulation would have gone into effect on March 2.

Today's decision will maintain a status quo that has been in place for nearly two years with respect to ISPs and nearly a decade with respect to other telecommunications carriers. The stay will remain in place until the Commission is able to act on pending petitions for reconsideration.

The Commission's stay will provide time for the FCC to work with the FTC to create a comprehensive and consistent framework for protecting Americans' online privacy. The FTC had proven to be an effective cop on the beat for safeguarding digital privacy. But in 2015, the FCC stripped the FTC of its authority over ISPs' privacy and data security practices when it adopted the Title II Order. Today's stay will also ensure that ISPs and other telecommunications carriers do not incur substantial and unnecessary compliance costs while the Commission considers modifications to the rule.

ISPs have been – and will continue to be – obligated to comply with Section 222 of the Communications Act and other applicable federal and state privacy, data security, and breach notification laws. In addition, broadband providers have released a voluntary set of "ISP Privacy Principles" that are consistent with the Federal Trade Commission's long-standing privacy framework. For other telecommunications carriers, the Commission's preexisting rules governing data security will remain in place.

The stay does not address those rules that became effective earlier this year as well as those that are scheduled to become effective later this year.

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