



Telecom Order CRTC 2011-799

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Ottawa, 20 December 2011

TELUS Communications Company – Changes to existing customer confidentiality provisions in the company’s General Tariff

File numbers: Tariff Notices 412 and 412A

1. The Commission received an application by TELUS Communications Company (TCC), dated 23 June 2011 and amended on 25 July 2011, in which the company proposed a revision to its General Tariff item 119 – Confidentiality of Customer Records.
2. Specifically, TCC proposed to modify item 119.5(e) to allow the company to disclose confidential customer information (CCI), without the need for the customer’s express consent, to an agent retained by TCC for the purpose of sharing the customer’s payment information with other telecommunications service providers (TSPs).
3. The Commission received comments from the Public Interest Advocacy Centre (PIAC). The public record of this proceeding, which closed on 27 October 2011, is available on the Commission’s website at www.crtc.gc.ca under “Public Proceedings” or by using the file numbers provided above.

Is TCC’s proposal consistent with the Commission’s current regulatory framework regarding CCI?

4. TCC submitted that its proposed changes would permit the company to share customer payment information with other TSPs for the purpose of evaluating a customer’s creditworthiness or for assisting in collecting payment for a customer’s account.
5. PIAC submitted that TCC’s proposal marked a very significant change to the current level of confidentiality for customer information, raising important issues of privacy for all telephone customers.

Commission’s analysis and determinations

6. In *Regulatory measures associated with confidentiality provisions and privacy services*, Telecom Regulatory Policy CRTC 2009-723, 25 November 2009, the Commission reviewed the appropriateness of the regulatory measures associated with privacy safeguards and obligations. The Commission determined that the existing customer confidentiality provisions would remain in place. In addition, the Commission allowed for the disclosure of CCI to affiliates under certain circumstances.

7. The Commission notes that, without the customer's express consent or unless disclosure is pursuant to a legal power, the current regulatory framework does not allow the disclosure of CCI to another company or an agent retained by the company unless disclosure is made
- to another telephone company, provided disclosure (1) is required for the purpose of providing efficient and cost-effective provision of telephone services and (2) is made on a confidential basis with the information to be used only for that purpose;
 - to a company involved in supplying the customer with telephone or telephone directory-related services, provided the information is (1) disclosed on a confidential basis and (2) used only for the specific purpose of supplying telephone or directory-related services;
 - to an agent retained by the company to evaluate the customer's creditworthiness or to collect payment for the customer's account, provided the information is required for and is to be used for that purpose;
 - to an affiliate involved in supplying the customer with telecommunications and/or broadcasting services, provided the information is required for that purpose and disclosure is made on a confidential basis with the information to be used only for that purpose.
8. The Commission considers that TCC's proposal to disclose CCI to an agent retained by TCC for the purpose of sharing the customer's payment information with other TSPs is not permitted under the current regulatory framework.
9. In light of the above, the Commission **denies** TCC's application.

Secretary General