Oct. 26, 2020

Starks: FCC Should Probe Malware on Lifeline Phones

FCC Commissioner Geoffrey Starks said today that the Commission should follow up on news reports that phones distributed to Lifeline recipients have had Chinese malware.

“I fundamentally believe that we shouldn’t ask low-income folks to trade their privacy for these benefits,” Mr. Starks said during the 15th Annual FCBA/ABA Privacy and Data Security Symposium, which held virtually and organized by the Federal Communications Bar Association’s Privacy and Data Security Committee and the American Bar Association’s Forum on Communications Law.

He also drew a connection between privacy and data security issues and bridging the digital divide, saying that Americans are less likely to adopt broadband services if they don’t trust that their privacy and information will be secure.

The issue is also important during the COVID-19 pandemic, the Commissioner said, saying that people are reluctant to use contact tracing apps if they have concerns about the use of their location data, which he said is generally “ripe” for being misused.

Mr. Starks also noted that he has pushed a rip-and-replace regime to enable small carriers to replace unsecure equipment.

He also noted that he wrote AT&T, Inc., and Verizon Communications, Inc., in August asking whether they participated in real-time bidding exchanges for mobile advertising (TR Daily, Aug. 5). His questions came in the wake of a letter from 10 members of Congress asking the Federal Trade Commission to investigate the sale of location information, including details on Americans’ places of worship (TR Daily, July 31). Mr. Starks said he is still looking at the issues.

He also noted that in February, the FCC issued AT&T, Verizon, Sprint Corp. (now part of T-Mobile US, Inc.), and T-Mobile notices of apparent liability (NALs) totaling more than $200 million for apparently selling access to consumers’ location data to third parties “without taking reasonable measures to protect against unauthorized access to that information” (TR Daily, Feb 28). Mr. Starks, who previously worked in the Enforcement Bureau, said he was pleased that there was bipartisan agreement at the Commission that the practices are covered by section 222 of the 1934 Communications Act, as amended.

He urged FCC Chairman Ajit Pai “to continue to move the process forward” on the NALs.
Privacy issues are even more important during the pandemic, as children are engaged in remote learning where it can be “virtually impossible to opt out of” applications or programs, Mr. Starks said. — Paul Kirby, paul.kirby@wolterskluwer.com

Copyright © 2020 CCH Incorporated, All Rights Reserved