



WASHINGTON STATE ATTORNEY GENERAL  
**ROB MCKENNA**  
AG REQUEST LEGISLATION - 2008 SESSION

**PROTECTING CONSUMERS' PRIVACY CONCERNING CELL PHONE NUMBER DIRECTORIES**

**THE PROBLEM**

Consumers have an expectation that their cell phone numbers are private. Unsolicited commercial phone calls made to cell phones are especially burdensome because incoming calls use up valuable minutes paid for by the consumer. States including Washington wisely passed laws requiring wireless carriers to obtain the consent of subscribers before listing them in a directory. However, the law does not apply to marketing companies or other third parties that publish directories.

**BACKGROUND**

- The 2005 Legislature unanimously approved RCW 19.250.010 "Disclosure of personal wireless numbers." The law states that radio communication service companies must obtain express opt-in consent from a subscriber before publishing his or her wireless phone number in a directory. In obtaining consent, the provider must disclose to the subscriber that he or she bears the responsibility for paying for any additional cost incurred as a result of receiving unsolicited calls.
- When drafting the law, legislators likely did not predict the recent development of online companies that profit by compiling and selling cell phone numbers and other personal information.
- One such company, Intelius, announced in August 2007 that it will sell mobile phone numbers. The company is based in Bellevue, Wash. People who visit its Web site can enter a person's name to receive a number, or do the reverse by entering a number to get the subscriber's name. Another company, Zabasearch, also sells contact information for cell phone numbers.
  - ABC News reported in August that Intelius had 90 million cell numbers and planned to add 70 million more, along with addresses.
  - The Attorney General's Office has received complaints from consumers who want their numbers removed from sites like Intelius and Zabasearch for privacy concerns.
  - An ABC News representative was able to purchase the cell phone number of a 14-year-old boy from Intelius' site. The availability of minors' phone numbers and addresses raises safety concerns.
  - Members of Congress have turned attention to the issue. A Texas representative introduced legislation to ban the sale of cell phone numbers by third parties without the consent of wireless subscribers. The proposed law would only be enforceable if the number isn't already publicly available and was obtained by the discloser as a condition of completing a commercial transaction. There is no means to predict when or how Congress will decide.

**CELL PHONE PRIVACY**

The Attorney General's Office has proposed a bill to amend RCW 19.250.010 that would require any person in the business of compiling, marketing or selling phone numbers for commercial purposes to obtain a consumer's express opt-in consent before publishing his or her wireless phone number in a directory.

A violation of the law is punishable by a fine of up to \$50,000. The Attorney General may bring actions to enforce compliance and may notify first-time violators with a letter of warning.