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September 18, 2020

Mr. John T. Stankey
208 S. Akard St.
Dallas, TX 75202

Dear Mr. Stankey,

I write to express concern over the recent announcement that AT&T is considering introducing wireless phone plans that are bundled with advertisements and the tracking of consumer data.¹ Consumers expect that their phone and broadband providers are not spying on their phone calls and web browsing or using their private data for commercial gain. I am alarmed that AT&T's announcement threatens to create a race to the bottom, trampling over long-held consumers expectations and leaving privacy as a right exclusive to the rich.

Access to phone and broadband services are a basic necessity of modern life. This has become even clearer as we depend on remote learning and social distancing to combat the spread of COVID-19. Now, more than ever, Americans rely on internet access for their employment, education, and entertainment – such reliance must be accompanied by strong safeguards and corporate commitments. Americans are already concerned about the use, misuse, and sharing of their personal information.² They should not have to choose between signing up for a basic necessity and their right to privacy. It is for this exact reason that Congress long-ago codified strong privacy rules in our telephone laws and the Federal Communications Commission (FCC) sought to expand these rules to cover broadband.³

Broadband services and wireless providers have attempted to push these same intrusive tracking and advertising services onto subscribers in the past – only to be opposed by consumers,

¹ Sheila Dang, Helen Coster, Krystal Hu, and Kenneth Li, "Exclusive: AT&T considers cellphone plans subsidized by ads," *Reuters* (New York, NY), September 15, 2020, <https://www.reuters.com/article/uk-at-t-ceo-interview-exclusive/exclusive-att-considers-cellphone-plans-subsidized-by-ads-idUKKBN2663HH>.

² Stephanie Clifford, "Many See Privacy on Web as Big Issue, Survey Says," *New York Times* (New York, NY), March 15, 2009, <https://www.nytimes.com/2009/03/16/technology/internet/16privacy.html>.

³ Federal Communications Commission, "Protecting the Privacy of Customers of Broadband and Other Telecommunications Services," <https://www.fcc.gov/document/fcc-releases-rules-protect-broadband-consumer-privacy> (accessed September 17, 2020).

privacy experts, and even the FCC.⁴ In an interview with Reuters, you stated the phone plans will help you refine your targeted advertising through “unique customer identifiers” that would allow advertisers to track consumers across multiple devices.⁵ To add to concerns, AT&T also touts its own data broker service, Xandr, which trades in information about consumers and uses those intimate details for ad targeting. In fact, your current company policy does not require consent from consumers before sharing their personal data with “non-AT&T companies that provide services... including marketing or ad delivery services.”⁶ The prospect of AT&T monitoring consumers’ phone and internet records, matching them across devices and data broker records, and then using that private information to manipulatively target people is outright chilling.

AT&T should not hold privacy above consumers’ heads for additional cost. Rather than a benefit, it is clear that AT&T is seeking to legitimize more intrusion into consumers’ lives and more aggressively commoditize subscribers. AT&T’s announcement would create a “pay-for-privacy” standard in the increasingly consolidated phone market, driving prices up for those who want to opt out. You also acknowledge that an ad-supported wireless plan would cross-fertilize its AT&T data broker and ad targeting products, adding to the race to the bottom that exists in the internet ecosystem. In holding out nominal discounts in exchange for the intrusive surveillance and aggressive monetization of private information, AT&T is manipulatively pitting consumers’ welfare and privacy against constrained budgets.

AT&T has repeatedly told the public, the FCC, and Congress that it respects consumer privacy and supports a national privacy law.⁷ Announcements about ad-supported plans fly in the face of these commitments and come at a time when consumers are fed up with how companies treat their data. I urge AT&T to reconsider pushing ad-supported plans onto consumers and instead put its consumers’ interests first.

Given the sensitivity and seriousness of this announcement, I respectfully request a written response to the following questions by October 18, 2020:

- 1.) When does AT&T expect to announce details and offer its ad-supported wireless phone plans?
- 2.) How will consumers be notified of the ad-supported features? What information would AT&T provide to subscribers, and how would it make that information available in a clear and conspicuous manner?
- 3.) How will AT&T monitor and advertise to consumers under the ad-supported plan?

⁴ Federal Communications Commission, “FCC Settles Verizon “Supercookie” Probe, Requires Consumer Opt-In for Third Parties,” <https://www.fcc.gov/document/fcc-settles-verizon-supercookie-probe> (accessed September 17, 2020).

⁵ Dang, Coster, Hu, and Li, “Exclusive: AT&T.”

⁶ “AT&T Privacy Policy,” AT&T, https://about.att.com/csr/home/privacy/full_privacy_policy.html (accessed September 17, 2020).

⁷ “Reversing Obama’s FCC Regulations: A Path to Consumer-Friendly Privacy Protections,” AT&T, <https://www.attpublicpolicy.com/privacy/reversing-obamas-fcc-regulations-a-path-to-consumer-friendly-privacy-protections/> (accessed September 17, 2020).

- 4.) Will such plans include the collection of phone records or internet records; if so, what specific information (such as DNS queries, HTTP requests, and other types of application traffic)? How will those records be processed and retained?
- 5.) Please describe with technical detail AT&T's "unified customer identifiers," including how those identifiers are tagged to consumers, for what purposes they are used, and how users are linked between devices.
- 6.) How will AT&T combine or compare information about consumers with data associated with its AT&T's Xandr program?
- 7.) How does AT&T believe an ad-supported plan would meet its privacy obligations under Section 222 of the Communications Act?

I appreciate your consideration of this letter.

Sincerely,

A handwritten signature in blue ink, reading "Richard Blumenthal". The signature is written in a cursive style and is positioned above a horizontal line.

Richard Blumenthal
United States Senate