

will be separately required, however, to provide certain information to establish a payment account before they may access the National Do Not Call Registry to check their do-not-call lists against the list of telephone numbers maintained in the Registry at that time, as the Rule requires.

The information they submit may include, for example, the name of a contact person, that person's telephone number and e-mail address, a credit card or bank account number that, in certain cases, may be assigned to an individual, etc. See 68 FR 16238, 16244 (Apr. 3, 2003) (revised user fee proposal). This information may also be associated with and retrieved by other information that the system may automatically generate when the telemarketer, seller, or agent accesses the system, such as the date and time of access, or the area code(s) or group(s) of telephone numbers that the telemarketer, seller, or agent downloads from the system.

Although the information submitted by, or that the system otherwise compiles on, telemarketers, sellers, and their agents may include information about, or could be otherwise associated with, certain individuals, as described above, the information pertains to such individuals only in a non-personal capacity (e.g., as employees, company officials, etc.) acting or designated to act on behalf of a telemarketer, seller, or agent. In the Commission's view, the information does not pertain to such individuals within the meaning of the Privacy Act, but instead pertains to the telemarketer, seller, or agent that was required to submit the information in order to pay for and obtain authorized access to the system.

Nonetheless, to the extent, if any, the Privacy Act applies to this information, the Commission proposes to amend its Privacy Act notice to address the collection, maintenance and use of personal information, if any, compiled from telemarketers, sellers, or agents when they pay for and access the Registry. The proposed amendments are incorporated into the text of the notice below.

Privacy Impact Assessment. Section 208 of the E-Government Act of 2002, Pub. L. No. 107-347, generally requires that agencies assess the privacy impact of collecting personally identifiable information online before initiating such a collection activity or developing or procuring the technology to do so. Section 208 did not take effect until after the Commission initiated and legally adopted the Rule amendments that established the National Do Not Call Registry, and after the Commission

started developing and procuring the technology for accepting do-not-call registrations online. Nevertheless, we have assessed the privacy impact of the system as discussed below.

(The Commission's Chief Information Officer or other designated official has reviewed this assessment.)

1. *What information will we be collecting?* See "Categories of records" below.

2. *Why are we collecting this information?* See "Purpose(s)," "Routine Uses," and "Disclosure to Consumer Reporting Agencies" below.

3. *How do we intend to use the information?* See "Purpose(s)," "Routine Uses," and "Disclosure to Consumer Reporting Agencies" below.

4. *With whom will we share the information?* See "Purpose(s)," "Routine Uses," and "Disclosure to Consumer Reporting Agencies" below.

5. *What notice or opportunities for consent will individuals have about what information we collect and how we share it?* This notice explains what information we collect from telemarketers, sellers, and their agents, and how we share it.

6. *How will the information be secured?* See "Safeguards" below. The Web site through which telemarketers, sellers, and agents will be required to submit information to establish a payment account will use secure socket layer (SSL) encryption. Once they have submitted the required information, telemarketers, sellers, and agents will be assigned account numbers or other identifiers in order to obtain subsequent access to the system.

7. *Does this create a system of records subject to the Privacy Act of 1974, as amended?* As explained above, the information to be collected from telemarketers, sellers, and their agents pertains to them, and not to any individual whose name or other personal identifier may be submitted as part of such information. Therefore, the Commission does not believe the Privacy Act applies to the collection, maintenance or use of the information. Nonetheless, the Commission has proposed to amend its Privacy Act system notice, as set forth below, to the extent, if any, that the Act applies to that information.

FTC-IV-3

SYSTEM NAME:

National Do Not Call Registry System—FTC (FTC-IV-3)

SECURITY CLASSIFICATION:

Not applicable.

SYSTEM LOCATION:

Federal Trade Commission, 600 Pennsylvania Avenue, NW, Washington, DC 20580. System records may be maintained, in whole or part, off-site by contractors.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who notify the Commission that they do not wish to receive telemarketing calls. Individuals whose names or other identifiers (e.g., e-mail addresses) are included in the information that telemarketers, sellers, or their agents must submit to pay for and obtain access to the system are covered by this system only to the extent, if any, that the Privacy Act applies to that information.

CATEGORIES OF RECORDS IN THE SYSTEM:

Telephone numbers of individuals who do not wish to receive telemarketing calls; information automatically generated by the system, including date and/or time that the telephone number was placed on or removed from the Registry; and other information that the individual may be asked to provide voluntarily (such as e-mail address, if the individual registers through the National Do Not Call Registry Web site). Telemarketers, sellers, and their agents are separately required to submit information to pay for and obtain authorized access to the system, including the names of, or other identifiers that may be associated with, individuals (e.g., name of contact person, name of the person to whom the credit card is issued, e-mail address, etc.). Such information is not part of this system except to the extent, if any, that the Privacy Act applies to the agency's collection, maintenance and retrieval of the information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act, 15 U.S.C. 41 et seq., Telemarketing and Consumer Fraud and Abuse Prevention Act, 15 U.S.C. 6101-6108; Do-Not-Call Implementation Act, Pub. L. No. 108-10 (2003).

PURPOSE(S):

To maintain records of the telephone numbers of individuals who do not wish to receive telemarketing calls; to disclose such records to telemarketers, sellers, and their agents in order for them to reconcile their do-not-call lists with the Registry and comply with the do-not-call provisions of the Commission's Telemarketing Sales Rule, 16 CFR Part 310; to enable the Commission and other law enforcement officials to determine whether a