

calls. Some records may come from do-not-call lists that some states or organizations separately maintain. Record sources for this system may also include telemarketers, sellers, and agents, but only to the extent, if any, that the Privacy Act applies to such information.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

By direction of the Commission.

Donald S. Clark,
Secretary.

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FEDERAL TRADE COMMISSION

Privacy Act Notice

AGENCY: Federal Trade Commission (FTC).

ACTION: Final notice of new Privacy Act system of records.

SUMMARY: The FTC is establishing a new system of records under the Privacy Act of 1974, as amended. This system will include telephone numbers and other information of individuals who do not wish to receive telemarketing calls from telemarketers, sellers, and agents. These telephone numbers will be disclosed to companies to ensure compliance with the Commission's Telemarketing Sales Rule.

DATES: This system is final and effective as of June 24, 2003.

FOR FURTHER INFORMATION CONTACT: For information about this Privacy Act notice, you may contact Alex Tang, Attorney, Office of the General Counsel, FTC, 600 Pennsylvania Avenue, NW., Washington, DC 20580, (202) 326-2447, atang@ftc.gov. For information about the National Do Not Call Registry, please contact David Torok, Attorney, Division of Marketing Practices, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580, (202) 326-3075, dtorok@ftc.gov.

SUPPLEMENTARY INFORMATION: As required by the Privacy Act of 1974, as amended, the FTC previously published a notice of its proposal to establish a new agency system of records pertaining to individuals, to be called the "National Do Not Call Registry System-FTC" (FTC-IV-3). The FTC published its proposal in the February 27, 2002, edition of the *Federal Register*. See 67 FR 8986.

The proposal outlined what personal information the system would collect from individuals, and how we would

use, disclose and maintain that information. As explained in the proposal, the new records system is intended to help the FTC implement and enforce the do-not-call requirements of our Telemarketing Sales Rule, 16 CFR Part 310, as recently amended.¹ Once it begins operating, the system, as we explained, will allow you, if you choose, to place your telephone number on our National Do Not Call Registry, so that telemarketers, sellers, and agents will know that you do not want to receive telemarketing calls from them.² You will have the option of registering through a dial-in system from the telephone number that you wish to place on the Registry, or through the National Do Not Call Registry Web site that will be linked to our main Web site, <http://www.ftc.gov>, as described further below. Our Rule will require telemarketers, sellers, and agents that are subject to our Rule to check the Registry at least once every three months to make sure their do-not-call lists are current and consistent with the Registry at that time. This requirement should help ensure that you do not get unwanted telemarketing calls from these telemarketers, sellers, or agents.

Below, in final form, is the system notice that the Privacy Act requires us to publish for the system. Although we received no public comments in response to our proposal, we have taken this opportunity to make a few minor clarifications, which we summarize below.³

System name. We have added the word "National" to distinguish our Registry from do-not-call lists that some states or other organizations maintain. (We have made the same change in the address of the program manager for the system.)

Categories of records in the system. Our proposal explained that the system would maintain your telephone number, as well as the date and time you place your number in the system or remove it from the system. We also proposed to

¹ The Rule amendments were published earlier this year. See 68 FR 4580 (Jan. 29, 2003).

² In this document, "you" means an individual who places his or her telephone number on the National Do Not Call Registry to indicate that he or she does not wish to receive telemarketing calls from telemarketers, sellers, or agents.

³ In a separate document published elsewhere in today's *Federal Register*, we are proposing to amend the Privacy Act notice for this system to explain the extent, if any, that it will apply to information that telemarketers, sellers, and their agents separately submit in order to pay for access to the system and check their do-not-call lists against the system. If you are an individual who registers your telephone number in our system, that separate proposed amendment, which would only affect the information that those companies submit, should not affect you.

ask you for your telemarketing preferences, zip code, or other voluntary information. As explained in the final system notice below, the system will still record your telephone number and the relevant date and time, as well as any other information automatically generated by the system, if you call in to register, verify, or delete your telephone number from the system. Our proposal explained that the system will use automatic number identification technology, also known as "ANI," which is similar to "caller ID," to verify your telephone number when you call from that number.

If, however, you use the National Do Not Call Registry Web site to register, the Web site will instead ask you for an e-mail address to validate and confirm your registration, since ANI cannot be used in that case to verify your telephone number. Likewise, the Web site will ask you to supply an e-mail address if you use the Web site to verify that your telephone number is in the Registry, or to delete your number from it. (Of course, you may avoid giving us an e-mail address by using the dial-in method described above.) Thus, in this final system notice, we have clarified that "other information that the individual may be asked to provide voluntarily" means we will ask you to provide an e-mail address if you use the Web site to register, or to obtain access to the system to verify or delete your telephone number from the system.⁴ We do *not* intend, however, to ask you for your telemarketing preferences, zip code, or other personal information, as our original proposal may suggest.

Authority for maintenance of the system. We have updated this section to include the Do-Not-Call Implementation Act, Pub. L. No. 108-10 (Mar. 11, 2003). Congress passed that law after we published our proposed system notice. The new law allows us to collect fees from telemarketers, sellers, and their agents in order to maintain and operate the system.

Routine uses of your information. We are revising this section to make clear that the "records" that we may disclose to telemarketers, sellers, and agents for do-not-call purposes do not include e-mail addresses that we ask from individuals who register through the National Do Not Call Registry Web site. That information is collected only for purposes of registering, verifying, or deleting your telephone number from

⁴ As described in the notice, the system will maintain system information indefinitely or until it is no longer needed or it is deleted automatically. In the case of e-mail addresses, we anticipate that the information will be retained for no more than a year.