

the Registry, as explained earlier, and not for disclosure to telemarketers, sellers, or their agents.

**Notification procedure.** Our proposal explained that, if you want to learn (*i.e.*, confirm) whether our National Do Not Call Registry contains a record of your telephone number, we would require you to use a dial-in system or "other system" to obtain that notification. We are revising the language specifically to mention the National Do Not Call Registry Web site as an option to the dial-in system, as previously discussed.

**Record access procedures.** Our proposal suggested that we might need to ask for e-mail addresses or other contact information so we could send a written acknowledgment if you ask us to delete your phone number from the Registry. The final version of the system will normally process deletions within 24 hours from when an individual submits such a request by telephone or through the National Do Not Call Registry Web site, so we are not required to send a written acknowledgment to an individual in those situations.<sup>5</sup> The revised notice also clarifies that if you want access to any other information about your registration that the system may maintain, and the information is not available through the automated dial-in system or the Web site, you must submit your request in writing under the Commission's rules. (We are making the same clarification in the "contesting record procedures" section discussed below.)

**Contesting record procedures.** This section of the proposal referred only to the automated dial-in system. We are revising this section to include the National Do Not Call Registry Web site, as described earlier.

**Record source categories.** In this section, we repeat that the system includes not only the information that you provide (*i.e.*, your telephone number, plus your e-mail address, if you register through the National Do Not Call Registry Web site), but also information that the system itself automatically generates (*e.g.*, the date and time you registered), as discussed

earlier. We are also clarifying that some telephone numbers in our Registry may come from do-not-call lists that some states or other organizations separately maintain. See 68 FR at 4641.

**Other revisions.** The final notice also includes some additional cross-references and miscellaneous other revisions (such as the name of the FTC office that will manage the system, and changing "telemarketers and their agents" to "telemarketers, sellers, and their agents"), for clarity and precision.

**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. The above requirement 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 above, and the discussion of "Categories of records" below.

2. *Why are we collecting this information?* See above, and the discussion of "Purpose(s)" and "Routine Uses" below.

3. *How do we intend to use the information?* See above, and the discussion of "Purpose(s)" and "Routine Uses" below.

4. *With whom will we share the information?* See above, and the discussion of "Purpose(s)" and "Routine Uses" 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 and how we share it. Whether you register and submit your information to us is completely up to you. If, however, you do not supply your phone number or other information we may need to process your request, we cannot put your telephone number in our National Do Not Call Registry.

6. *How will the information be secured?* See the discussion of "Safeguards" below. Our National Do Not Call Registry Web site will use secure socket layer (SSL) encryption.

We also plan to use the same or comparable technology when telemarketers, sellers, and their agents access telephone numbers from the system.

7. *Does this create a system of records subject to the Privacy Act of 1974, as amended?* Yes, as this notice describes.

#### 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.

##### 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).

##### 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 company is complying with the Rule; to provide statistical data that may lead to or be incorporated into law enforcement investigations and litigation; or for other

<sup>5</sup> The Privacy Act requires agencies to send a written acknowledgment not later than 10 days after an individual submits a request to amend his or her record, which would include deleting a record from the system. See 5 U.S.C. 552a(d)(2)(A). The United States Office of Management and Budget, which is responsible for interpreting the Privacy Act, has explained that this requirement does not apply if the agency processes the request within the 10-day period that the law would allow for acknowledging the request. See 40 FR 28948, 28958 (1975). If you use the National Do Not Call Registry Web site to register or to delete your telephone number from the system, however, the system will acknowledge your request by e-mail.