

CHAPTER 6 - CABLE COMMUNICATION SYSTEMS

Sec. 6-68. Protection of subscriber privacy.

(a) At the time of entering into an agreement to provide any Cable Service or other service to a Subscriber and at least once a year thereafter, a Licensee shall provide notice in the form of a separate, written statement to such Subscriber which clearly and conspicuously informs the Subscriber of:

(1) The nature of personally identifiable information collected or to be collected with respect to the Subscriber and the nature of the use of such information;

(2) The nature, frequency, and purpose of any disclosure which may be made of such information, including any identification of the types of persons to whom the disclosure may be made;

(3) The period during which such information will be maintained by the Licensee;

(4) The times and place at which the Subscriber may have access to such information in accordance with Subsection (a)(2) of this Section; and

(5) The limitations provided by this Section with respect to the collection and disclosure of information by a Licensee and the right of the Subscriber under Subsections (i) and (j) to enforce such limitations.

(b) For purposes of this Section, the term "Personally Identifiable Information" does not include any record aggregate data which does not identify particular persons.

(c) Except as provided in Subsection (d) of this Section, a Licensee shall not use the Cable System to collect personally identifiable information concerning any Subscriber without the prior written or electronic consent to the Subscriber concerned.

(d) A Licensee may use the Cable System to collect such information in order to

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(1) Obtain information necessary to render a Cable Service or other service provided by the Licensee to the Subscriber; or

(2) Detect unauthorized reception of cable communications.

(e) Except as provided in Subsection (f) of this Section, a Licensee shall not disclose personally identifiable information concerning any Subscriber without the prior written or electronic consent of the Subscriber concerned.

(f) A Licensee may disclose such information if the disclosure is:

(1) Necessary to render, or conduct a legitimate business activity related to a Cable Service or other service provided by the Licensee to the Subscriber;

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(2) Subject to Subsection (j), made pursuant to a court order authorizing such disclosure, if the Subscriber is notified of such order by the person to whom the order is directed; or;

(3) A disclosure of the names and addresses of Subscribers to any Cable Service or other service, if -

a. The Licensee has provided the Subscriber the opportunity to prohibit or limit such disclosure, and

b. The disclosure does not reveal, directly or indirectly, the -

i. Extent of any viewing or other use by the Subscriber of a Cable Service or other service provided by the Licensee, or

ii. The nature of any transaction made by the Subscriber over the Cable System of the Licensee.

(g) A Subscriber shall be provided, free of charge, access to all personally identifiable information regarding that Subscriber which is collected and maintained by a Licensee. Such information shall be made available to the Subscriber at reasonable times and at a convenient place designated by such Licensee. A cable Subscriber shall be provided reasonable opportunity to correct any error in such information.

(h) A Licensee shall destroy personally identifiable information if the information is no longer necessary for the purpose for which it was collected and there are no pending requests or orders for access to such information under Subsection (g) or pursuant to a court order.

(i) Any person aggrieved by any act of a Licensee in violation of this Section may bring a civil action in a court of general jurisdiction, as provided in Section 631 of the Cable Act.

(j) Nothing in this Chapter shall be construed to prohibit the City from enacting or enforcing additional laws consistent with this Section for the protection of Subscriber privacy.

(k) A governmental entity may obtain personally identifiable information only if, in the court proceeding relevant to such court order -

(1) Such entity offers clear and convincing evidence that the subject of the information is reasonably suspected of engaging in criminal activity and that the information sought would be material evidence in the case; and

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- (2) The subject of the information is afforded the opportunity to appear and contest such entity's claim.
(Ord. No. 95-13, 3/7/95, Enacted)