



**1300 I Street, NW
Suite 500 East
Washington, DC 20005**

**William H. Johnson
Senior Vice President
Federal Regulatory & Legal Affairs
202.515.2492
will.h.johnson@verizon.com**

VIA ELECTRONIC MAIL

August 3, 2022

Jessica Rosenworcel
Chairwoman
Federal Communications Commission
45 L Street, NE
Washington, DC 20554

Re: Geolocation Data

Dear Chairwoman Rosenworcel:

I write on behalf of Cellco Partnership d/b/a Verizon Wireless (“Verizon Wireless”) in response to your July 19, 2022 letter to Hans Vestberg in which you seek information regarding Verizon Wireless’s consumer geolocation data retention policies and our policies regarding sharing consumer geolocation data with third parties.¹

Verizon Wireless takes its obligations to protect customer data and privacy with the utmost seriousness. Safeguarding customer data is a core priority for our company. Protecting the privacy of customer data is the right thing to do, and it is fundamental to maintaining our customers’ trust and growing our business. That is why Verizon Wireless has numerous measures in place to safeguard consumer geolocation data, and why we carefully limit and control our collection, use, and sharing of such data.

Verizon Wireless collects geolocation data as needed to develop, provide, and improve our services and experiences for our customers. We generally retain such information for the period for which it is needed for business purposes. And we notify our customers about the limited circumstances in which location information otherwise can be preserved and shared, including with law enforcement. Indeed, Verizon Wireless is transparent about its approach; our online

¹ As directed by the letter, Verizon Wireless’s responses herein address its policies for collecting, retaining, and sharing geolocation data for its consumer customers, and not business customers or customers served by separate, affiliated entities. For purposes of this response, Verizon Wireless does not consider its partners or vendors that work on its behalf to be third parties.

privacy center prominently discloses our privacy practices to consumers in a way that is straightforward and clear. See <https://www.verizon.com/about/privacy/>.

Consistent with our consumer-centric focus, Verizon Wireless has supported the need for a strong federal privacy framework for more than a decade.² We applaud the recent steps the House Energy and Commerce Committee took towards that goal, passing a sweeping data privacy bill on July 20, 2022 and advancing the American Data Privacy and Protection Act to the full House of Representatives for a vote. Verizon Wireless will continue to support efforts to develop a robust nationwide framework for protecting customer data, and we welcome your inquiry as part of that effort.

Verizon Wireless's responses to each of the questions in your letter are set forth below.

(1) Data retention:

a. Please describe in detail the geolocation data that Verizon Wireless collects and/or retains regarding current and/or former subscribers. How is that data collected?

Verizon Wireless collects and retains two types of geolocation data.

First, as a necessary part of operating a high performance network to deliver advanced services to our customers, Verizon Wireless collects the cell site and sector within our network that a mobile device connects to and generates other information regarding the mobile device's relative position to the cell site. This data is collected in the ordinary course of operating the company's wireless network.

Second, Verizon Wireless has a small number of Verizon-branded applications for consumer mobile devices that obtain express customer permission to collect device location data provided by mobile device operating systems. This data is determined using information from the device's Global Positioning System ("GPS") antenna, Wi-Fi access point(s), and mobile network and sensor location data available to the operating system provider. This data may be as specific as device telephone number and latitude/longitude coordinates. However, many applications collect less – or none – of this data, depending on the specific uses that apps make of location.

b. Please explain the reasons geolocation data is retained for both current and former subscribers.

Verizon Wireless retains both of the above-referenced types of geolocation data to develop, deliver, support, and improve the services and experiences we provide to our customers. Our privacy policies, which are available in our privacy center at <https://www.verizon.com/about/privacy/>, describe the data we collect and how it is used.

The location data collected as part of operating the network is used for the purpose of operating, managing, and improving that network and our users' experiences. The location data helps

² The principles the company views as important components of a national framework are available at www.verizon.com/about/news/privacy-its-time-congress-do-right-consumers.

Verizon Wireless deliver voice, data, and text traffic and services, direct and manage network usage volumes, troubleshoot issues, and identify ways to improve the network and traffic routing. As the Commission is aware, Verizon Wireless also is required to provide certain location data to Public Safety Answering Points (“PSAPs”) when a customer makes a 911 call, and to comply with other regulatory requirements, such as Wireless Emergency Alert geotargeting. Verizon Wireless also uses location data for repair and billing purposes and to detect and prevent fraud.

Our customers provide their affirmative, opt-in consent to allow us to collect and use data from device operating systems in connection with certain Verizon-branded applications and application features that those customers elect to run on their devices. Those Verizon Wireless apps are: My Verizon, Smart Family, GizmoHub, Smart Locator, 5G Capture, 5G Labs, Hum, Message+, Verizon Cloud, Care Smart, Digital Secure, and Verizon Services. How the location data is used varies by app. For example, location data can be used among other things in the My Verizon app to help a customer locate and get directions to the nearest Verizon Wireless store.

Location information also is used in connection with our Business and Marketing Insights program, which helps us and others better understand wireless customer actions in aggregate. For example, we may use network location data to develop insights to help estimate traffic patterns during the morning rush hour or how many customers go to a retail store. The information we use and the insights that are developed do not identify customers individually; rather, they will show things like the total number of customers that were at a stadium at a given time. Our customers can opt out of this program at any time. Information about this program is available at www.verizon.com/support/business-marketing-reports-faqs/.³

c. How long is geolocation data retained for both current and former subscribers.

Verizon Wireless generally retains location data as needed to support the services and experiences it provides to customers. Unless required by law or for legal purposes or in responding to a complaint, network information regarding cell site and sector is retained for up to one year, while other kinds of location data can be kept for shorter periods.⁴ Indeed, many application platforms retain associated location data for significantly less time. That said, there

³ Our Custom Experience Plus program also may use information, including mobile device location data from the network and Verizon applications that customers have permitted us to collect, to deliver personalized communications and experiences to customers, giving them more relevant product and service recommendations, and developing plans, services, and offers that are more appealing to each individual customer. Customers must provide affirmative, opt-in consent to participate in Custom Experience Plus (formerly known as “Verizon Selects”). Data associated with this program is used for Verizon purposes and is not sold to or shared with third parties. Information regarding our Custom Experience Plus program is available at <https://www.verizon.com/support/verizon-custom-experience-programs-faqs/>.

⁴ Verizon Wireless retains certain information about the cell site used for failed calls for up to 18 months.

is one application (Hum) that can retain certain location information specific to that app for a longer period.⁵

d. Please provide a description of what safeguards Verizon Wireless uses to protect current and former subscriber geolocation data.

Verizon Wireless's safeguards begin with the consumer. As a first step in caring for customer privacy, Verizon Wireless informs its customers about the types of data that are collected and the ways in which the data is used. For example, customers may receive in-app, pop up notices that request their consent, describe how location information will be used, and provide customers with the ability to decline. As is true with all apps using location data from the operating system, Verizon apps also abide by users' collection preferences (such as "always," "when using the app," "never," or "only within a 5 mile radius").

Our online privacy center also prominently discloses our privacy practices to consumers in a way that is straightforward and clear. See <https://www.verizon.com/about/privacy/>. Some applications also have their own privacy policies that provide additional details specific to those apps. And Verizon Wireless offers our customers simple tools to easily obtain access to personal information and exercise choices we offer regarding the use and sharing of information. Those tools are described in our online privacy center, and include calling Verizon Wireless customer care representatives, the My Verizon site, and the My Verizon app.⁶

Then, within Verizon Wireless, we safeguard our customers' geolocation data by limiting the period in which that data is retained, as discussed above. While retained, we use technical, administrative and physical safeguards to help protect against unauthorized access to, use, or disclosure of that geolocation data. The specific measures used for a particular set of data can vary, but may include encryption, storage on secure servers, and restricting access to a limited number of employees.

This focus on protecting data and customer privacy is reinforced through our Code of Conduct and a robust privacy training program through which we train all employees, regardless of role or geography, on the importance of privacy and data security. Education and training on these critical issues occur at the time employees are hired and throughout the year in a variety of formats, including formal training, periodic reminders, and other communications to employees highlighting data security and privacy issues. Our Code of Conduct is available at www.verizon.com/about/sites/default/files/Verizon-Code-of-Conduct.pdf

⁵ The Hum application is a vehicle monitoring app, which is used in connection with an on-board diagnostic (OBD) dongle that is plugged into a port in the customer's vehicle. The OBD monitors vehicle health, engine status, speed, cardinal direction, and latitude/longitude. When a user enables location and motion in the settings of his or her mobile device, the Hum mobile app collects device precise location for navigation, roadside assistance, boundary alerts, vehicle location, and driving history. It also uses location and motion data to calculate trips and distances and to identify hard braking, acceleration, speed, sharp cornering, screen use while driving, crash detection and to calculate a safety score. Information regarding the Hum app is available at <https://www.verizon.com/support/hum-by-verizon-faqs/>. Given the nature of this app, location data is stored for up to five years.

⁶ See, e.g., the "What choices do I have about uses of my information?" tab on the online privacy center page available at <https://www.verizon.com/about/privacy/>.

e. In what country (or countries) is geolocation data stored?

With one, limited exception, Verizon Wireless stores geolocation data for our consumer customers in the United States.

There is limited storage of data associated with one application (Care Smart) in Canada in connection with the Get Help professional monitoring feature. Information regarding this application is available at <https://www.verizon.com/support/care-smart-faqs/>.

f. Please share whether and how you disclose your data retention policies to subscribers.

As noted above, Verizon Wireless's data privacy policies are disclosed prominently in our online privacy center.⁷

Verizon's Wireless's customer agreement, which provides the terms of service with the customer, also points to these policies.⁸ Each customer must accept the customer agreement terms as part of a sales transaction. Those terms include a section entitled "My Privacy," which is specifically dedicated to customer privacy. That section of the customer agreement contains a link to the online privacy center, which "describes the information we collect, how we use and share it, and the choices you have about how certain information is used and shared."

In addition, application users receive an in-app notice asking permission for the app to collect device location data, and the customer must consent before any location data is collected or used.⁹ A number of our applications also have app-specific privacy policies that describe the app's use of location data and the choices available about that use. Users agree to these policies when they register as users of the apps.

Indeed, for many applications, customers receive notice and provide consent to use location data not only when first using the app, but at various points thereafter – although the number and frequency of subsequent notifications (daily, monthly, or otherwise) varies by app. If a customer has not permitted use of location data for an application, but then tries to use a feature in the app that requires the use of that data – then the customer would be prompted again. The permissions also are always available to customers in the device's operating system settings.

g. What is your data deletion policy for current or former subscribers, and how do you dispose of subscriber geolocation data?

Verizon Wireless disposes of geolocation data collected from our customers when it is no longer needed for business purposes, unless required by law or necessary for legal purposes or to respond to a complaint. Verizon Wireless has security standards in place regarding the disposition of such data. Verizon Wireless configures its databases and platforms to help ensure that the data is securely deleted and/or de-identified (for example, via irreversible hashing).

⁷ See <https://www.verizon.com/about/privacy/>.

⁸ The customer agreement is available at <https://www.verizon.com/legal/notices/customer-agreement/>.

⁹ One exception is the Verizon Services system app, which requests this permission during device setup.

Once deleted from our systems and/or de-identified, the data cannot be retrieved by Verizon Wireless (or third parties).

h. Do your subscribers have any opportunity to opt-out of your data retention policies and if not, why not?

Verizon Wireless customers that provide their affirmative, opt-in consent to have device location data collected through a mobile application can change their choice at any time within the app or through their mobile device settings. Those customers also have the option of using more precise or more approximate location through the app or device settings for certain applications. Customers may opt out of Business and Marketing Insights at any time. Customers who opted in to Custom Experience Plus can opt out at any time.¹⁰ When customers opt out of those programs, the location information collected from their mobile devices no longer is used in connection with those programs.

Verizon Wireless retains the data that it collects from customers, including geolocation data, for various, necessary business purposes – but only as long as needed for those business purposes, as described above. Therefore, Verizon Wireless customers cannot opt out of our data retention policies generally.

(2) Data sharing

a. Please provide Verizon Wireless’s process and policies for sharing subscriber geolocation data with law enforcement?

As disclosed in our semi-annual Transparency Report¹¹ and consistent with the Supreme Court’s ruling in *Carpenter v. United States*, 138 S. Ct. 2206 (2018), Verizon Wireless only releases certain location information to law enforcement in response to valid court orders based on probable cause (*i.e.*, search warrants or lawful intercept orders) or in response to exigent requests, as authorized by 18 U.S.C. § 2702(c)(4). In addition, law enforcement may apply to a court for a search warrant or court order that compels Verizon Wireless to provide a “cell tower dump,” which contains the phone numbers of all devices that connected to a specific cell tower or site during a given period of time.

b. Describe the arrangements, agreements, and circumstances in which Verizon Wireless shares subscriber geolocation data with third parties that are not law enforcement.

As required by 47 C.F.R. §§ 9.10(e)-(m), 9.11(b)(4), Verizon Wireless provides certain location information in connection with customer 911 calls being delivered to PSAPs.

As noted above, Verizon Wireless also may use certain customer information, including network location data, to develop insights to help us and other companies understand wireless customer actions in aggregate. The insights that are shared do not identify customers individually. As

¹⁰ Customers also can reset location data used in the Custom Experience Plus program. When a customer resets, previously collected location data no longer is used in the program.

¹¹ Available at <https://www.verizon.com/about/investors/transparency-report>.

noted above, the insights will indicate things like the total number of customers who were at a stadium at a given time. Customers are able to opt-out of this program at any time. *See* www.verizon.com/support/business-marketing-reports-faqs/.¹²

c. Describe in detail the process by which a subscriber may opt out of the sharing of their geolocation data. Under this opt-out process is that subscriber's data still shared with third parties? In particular, does the opt-out process allow a subscriber to opt out of the sharing of their geolocation data with all third parties that are not law enforcement?

Just as subscribers cannot opt out of the sharing of location data with law enforcement as described in response to question 2.a, above, subscribers also cannot opt out of sharing location data with PSAPs in connection with 911 calls as required by Commission rules.

As discussed in the response to question 2.b, above, customers are able to opt out of the use of their location data in connection with the Business and Marketing Insights program at any time by using the "Privacy Preferences" page on the My Verizon website, in the My Verizon app, or by calling (866) 211-0874. Those opt out options are listed on the webpage for the Business and Marketing Insights program. *See* www.verizon.com/support/business-marketing-reports-faqs/.

d. Are subscribers notified of the sharing of their geolocation information with third parties that are not law enforcement? And if so, how are they notified?

As detailed above, Verizon does not share individualized location information with third parties other than law enforcement and PSAPs in connection with 911 calls, except with the affirmative, opt-in consent of the customer. Notice regarding the sharing of information with law enforcement and public safety is provided on our privacy center website¹³ and contained in our semi-annual Transparency Report.¹⁴

In addition, Verizon aggregates certain location information to create aggregate reports, which then may be shared with third parties as part of our Business and Marketing Insights program. Subscribers are notified about the Business and Marketing Insights program via the online privacy policy, as well as a bill message notification they receive on their first bill. Information also is available on customers' privacy preference pages in the My Verizon app and on the Verizon Wireless website. As noted above, however, the information shared with others as part of this program is only in the aggregate; the information we use and the insights that are developed do not identify customers individually.

* * *

¹² As noted in your July 19, 2022 letter, Verizon Wireless previously operated a location aggregator program that was the subject of a February 2020 Notice of Apparent Liability that Verizon Wireless disputed. Verizon Wireless no longer shares any location information in connection with that program, as it was terminated more than three years ago.

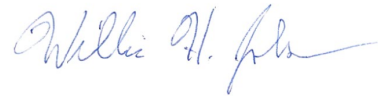
¹³ *See* <https://www.verizon.com/about/privacy/>.

¹⁴ *See* <https://www.verizon.com/about/investors/transparency-report> at 6.

August 3, 2022
Page 8 of 8

Thank you for the opportunity to address these important issues. Please feel free to contact me should you have any additional questions or concerns.

Sincerely,

A handwritten signature in blue ink, appearing to read "William H. Johnson". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

William H. Johnson