



June 15, 2018

The Honorable Ron Wyden
United States Senate
221 Dirksen Senate Office Building
Washington, DC 20510

Re: Response to the Letter Dated May 8, 2018

Dear Senator Wyden,

We write in response to your letter, dated May 8, 2018, regarding access to customers' private information. T-Mobile takes the privacy and security of our customers' data very seriously and we do not tolerate any misuse of our customers' data. We, therefore, were troubled to read the allegations in your letter and subsequent press coverage regarding Securus's alleged misuse of customer location information without customer consent. The use described in your letter was never approved by T-Mobile and we quickly shut down any transmission of our customers' location data to Securus. We have also reviewed the program more broadly and, while we believe the program has appropriate controls already in place, we are working with our location aggregators and will be taking additional steps to help ensure that an incident like this one does not happen in the future.

Our location aggregator program, which is similar to programs offered by other national carriers, provides two qualified aggregator partners with access to customer location data derived from our network operations. In turn, these aggregator partners provide such location data to approved third party service providers who use such location data in providing various services. Each such service provider, and its proposed use of location data, must be pre-approved by T-Mobile. Each individual location query must be accompanied by records of verifiable and informed consent of the end user.

The program provides our customers with valuable location-based services. Although the program is relatively small, it delivers numerous societal and consumer benefits, including through services like roadside assistance, medical emergency alert services, and bank fraud prevention. Because other national carriers provide similar programs, these valuable services are available to the vast majority of U.S. mobile wireless consumers.

T-Mobile's location aggregator program involves multiple checks and balances to help ensure our customers' data is safeguarded. Our contracts have important provisions that serve to protect our customers' information, including, as noted above, requiring service providers, via a location aggregator, to seek approval from T-Mobile for each data use, and requiring customer consent before location data is shared. This program is also periodically assessed and reviewed to ensure these protections and safeguards are working properly.

For example, T-Mobile started one of our periodic reviews several months ago and selected a third party to assess this program. The review seeks to confirm, among other things, that the program’s qualified service providers use the information as required, with verifiable informed customer consent, and that records of consent are provided to the location aggregators before any location information is shared.

In addition to providing our customers with control over their data, transparency is also a priority at T-Mobile. Our privacy policy and other privacy resources available on our website explain to our customers how their location information is shared, and service providers are also required to provide meaningful notice before obtaining a customer’s consent.

Below, we provide answers to the specific questions posed in your May 8 letter.

- 1. Please identify the third parties with which your company shares or has shared customer information, including location data, at any time during the past five years. For each third party with which you share information directly, please also include a list of the ultimate end users of that information, as well as all intermediaries.***

T-Mobile partners with two location aggregators, LocationSmart and Zumigo. The aggregators then partner with service providers, who have a direct relationship with the consumers and offer them specific location-based services. The service providers offer various services that our customers find useful and valuable. Below, we list the different types of services provided. As mentioned above, service providers, uses, and consent methods are approved by T-Mobile, and each service provider must obtain end user consent to collect a consumer’s location data.

Type of Service	Description
Emergency Roadside Assistance	Customers’ location information is used so that they can receive emergency roadside assistance wherever they are located more quickly
Emergency Medical Assistance	Customers’ location information is used so that they can receive emergency medical assistance more quickly wherever they are located
Bank Fraud Prevention	Customers’ location information is used to help ensure that no one is impersonating them when opening a bank account or conducting a financial transaction
Workforce/Employee Management/Fleet Tracking	Location information is used to assist with employee or fleet monitoring -- for example, managing large fleets or for payroll purposes (with employee/user knowledge and consent)
Charitable giving	Customers can learn of local charities based on their location, to facilitate charitable contributions

Type of Service	Description
Law Enforcement/House Arrest Monitoring	Customers' location information is used to verify that consenting users sentenced to home incarceration are located at their specified address; determines called party location on outbound calls from inmates in correctional facilities to determine call rates pursuant to FCC regulations (with knowledge and consent of end user)
Store Locator	Customers' location information is used to help customers seeking to find particular stores near them
Concierge, Travel and Other Personal Services	Customers' location information is used by service providers offering concierge or other travel-related features to users interested in such personalized services -- for example, learning about events in a customer's area
Proximity Marketing	Customers' location information is used to deliver nearby marketing deals/offers for users interested in coupons and other discounts
Cross-carrier Location Aggregation	Location information is used to test phones and devices; used in the business context, where whitelisted business devices are used to test coverage
Product Delivery Services	Customers' location information is used to streamline delivery of consumer products/services and help reduce costs
Mobile Gaming	Customers' location information is used to determine whether mobile gaming is legally permitted in customer's state or locality

- 2. For each of the third parties identified in response to question one, please detail the types of customer information provided to them and the number of customers whose info was shared. For each of these, please detail whether the third party provided proof of customer consent, and if so, how the third party demonstrated that they had obtained customer consent.***

In response to a specific service provider request, via a location aggregator, we share cell tower location information for the customer's phone number that was associated with the request (*i.e.*, the number provided to us in connection with the request). As discussed above, records of customer consent must be provided to the location aggregator (including the time the consent was provided) before the location aggregator provides the service provider with the requested location information. Customer consent is obtained by the service provider in a variety of ways, and these consent methods are approved by T-Mobile when it approves each use and service provider before location data is shared. One example of consent is through Interactive Voice Response (IVR), where the customer says "one" or presses 1 on the keypad at the beginning of a phone call to affirmatively provide consent. Another example is where an SMS is sent to the customer's device and they respond affirmatively.

3. ***Please describe in full your process, if any, for determining that each third party identified in response to question one has obtained appropriate consent before your company shared that customer's information with them. Specifically, please describe what criteria and processes your company uses to review claims and evidence that a third party has obtained consent.***

Our location aggregators are required by contract to obtain and maintain records of consent from each customer who has provided such consent to partake in a location-based service. These records must be maintained for T-Mobile's review, and they are reviewed as part of periodic assessments that T-Mobile and its location aggregators perform.

4. ***Please describe any incidents known to your company or uncovered during your responses to the above in which a third party with which your company shared customer data misrepresented that they had customer consent.***

As discussed above, as soon as we learned of the allegations in your May 8 letter, we quickly terminated any transmission of data to Securus, because the use described in your letter was not approved by T-Mobile. T-Mobile requires internal approval of every service provider and use, including the mechanism by which the service provider will obtain customer consent before any location information is shared with partners and service providers. To the extent that a company deviates from protocol, T-Mobile will take action, as it did with Securus.

T-Mobile recognizes that, while our customers enjoy numerous benefits from location-based services, we must simultaneously be diligent in ensuring that the privacy and security of our customers' data is protected at all times. That is why T-Mobile and its location aggregators take numerous precautions (including periodic reviews of our program and compliance with CTIA's Location-Based Services Guidelines) to ensure that our customers' location data is not misused in any way. And that is also why T-Mobile acted swiftly to terminate Securus's access to our location aggregator program after we received your May 8 letter. Going forward, we will continue to monitor our program and take appropriate steps to ensure that our customers can receive the location-based services they desire in a manner that is consistent with applicable law, their privacy expectations and our high standards for service to our customers.

Sincerely,



Anthony Russo
Vice President, Federal Legislative Affairs
T-Mobile US, Inc.