



Memorandum re: Safe Connections Act (S. 120)

July 23, 2021

According to the [Center for Disease Control](#), tens of millions of Americans have survived physical violence, contact sexual violence, or stalking by an intimate partner. A [major vulnerability](#) for many of these victims is being unable to effectively escape due to the amount of information shared on family plans with cell phone carriers. Early termination fees, high costs of switching accounts, and even built-in “parental” control applications facilitated the abuse within a family plan between survivors and abusers. While some state laws, such as those in [Hawaii](#) and [New York](#), allow survivors to leave shared family plans, most states do not. As a result, last year the Clinic to End Tech Abuse (CETA) joined with the Electronic Frontier Foundation (EFF) and others dedicated to protecting survivors and [called on Congress](#) to pass laws achieving the following goals:

- 1) Give survivors and children in their care a right to get out of family plans immediately, remotely, and for free.
- 2) Require phone companies to apply strong privacy protections to any information about the abuse.
- 3) Not impose burdensome or traumatizing requirements for survivors to give evidence of the abuse to the phone company.
- 4) Let survivors keep their numbers to stay connected.
- 5) Require phone companies to train their employees about these rights and give information to their customers about getting out of family plans in abuse situations.

The Safe Connections Act makes progress on achieving some of these goals, and we thank the Senate sponsors for their tireless work for the unempowered despite well-funded opposition from the telecom industry. In particular, we are encouraged that the bill requires phone companies to treat all evidence of abuse as confidential and dispose of it securely. We also strongly support the bill’s clear statement that the Safe Connections Act will not affect any state laws that provide survivors with enhanced protections. This non-preemption provision is crucial because states might favor legislation allowing survivors to submit less intrusive evidence of their abuse to ensure their safety and privacy. In New York, for example, legislation has been proposed that would allow survivors to leave a family plan based on their own self-attestation of abuse. Finally, we are pleased that the bill empowers the Federal Communications Commission (FCC) to make rules requiring phone companies to omit survivors’ communications with domestic-violence hotlines from phone records and call logs.

Although we appreciate the intentions behind the Safe Connections Act, we cannot offer our full support unless lawmakers reform the current bill in important ways. Of greatest concern, we believe a different evidentiary showing is essential to ensure that the Act’s protections are accessible to survivors. In order to leave a family plan, the current bill forces survivors to share confidential documents like a police report or an affidavit from the survivor’s doctor or therapist. These documents often contain highly sensitive and personal information. Sharing them might not only be traumatic for survivors, but could also put survivors in danger if someone at the phone company intentionally or carelessly discloses them. We see no compelling reason to put these burdens and risks on survivors. Although the bill requires phone companies to “treat any information submitted by a survivor . . . as confidential,” this vague language gives companies and their employees too much discretion in retaining the information and even disclosing it. For example, we understand that some phone companies believe they would be free to share the survivors’ confidential documents with the government as part of an FCC audit—an assumption that highlights why forcing survivors to prove their abuse is so problematic. Requiring a survivor to provide this documentation might sound trivial, but there is real concern that it would suppress the use of this law. A survivor’s own self-attestation of abuse should be enough to leave a family plan. Additionally, the current bill’s confidentiality requirements must be backed by penalties if phone companies violate them. A privacy protection without any teeth is no protection at all. We hope that lawmakers will carefully scrutinize the current bill to ensure that the Safe Connections Act will actually protect those who need it most.

About CETA: CETA is a group of trained volunteers, clinic staff, and researchers who have expertise in fields such as computer security, human-computer interaction, and computing for underserved communities. We receive special training on detecting technology-related abuse and working with people who have survived trauma, providing our clinic services through a collaboration with the New York City Mayor’s Office to End Domestic and Gender-Based Violence.