

Sen. Roger Wicker, Chairman
Sen. Maria Cantwell, Ranking Member
US Senate Committee on Commerce, Science, and Transportation

CC: Rep. Frank Pallone, Chairman
Rep. Greg Walden, Ranking Member
House Committee on Energy and Commerce

Sen. Lindsey Graham, Chairman
Sen. Dianne Feinstein, Ranking Member
US Senate Committee on the Judiciary

Rep. Jerrold Nadler, Chair
Rep. Jim Jordan, Ranking Member
House Committee on the Judiciary

August 20, 2020

Dear Chairman Wicker and Ranking Member Cantwell:

We are anti-domestic violence, civil liberties, and consumer privacy organizations, and we write to urge you to create federal rights for domestic violence survivors to leave “family” mobile phone contracts they share with their abusers.

As publicized last month in *Wired*, abusers can easily misuse family phone plans for stalking and other harms.¹ It is crucial for survivors to be able to get out of these plans—safely, for free, with strong privacy protections, and regardless of where in the US they currently live.

The COVID-19 pandemic has made survivors’ access to safe housing, employment, and other critical resources more difficult than ever, which makes stalking and other abuse via a family phone plan even more dangerous.

A strong federal law that helps abuse survivors across the United States would:

- Give survivors and children in their care a right to get out of family phone plans immediately, remotely, and for free.
- Require phone companies to apply strong privacy protections to any information about the abuse.
- Not impose burdensome or traumatizing requirements for survivors to give evidence of the abuse to the phone company.
- Let survivors keep their numbers so they can better connect with family, friends, and services that can help them.
- Require phone companies to train their employees about these rights and give information to their customers about getting out of a family plan in an abuse situation.

¹ Louise Matsakis, “A Hidden Risk for Domestic Violence Victims: Family Phone Plans,” *Wired*, July 23, 2020, <https://www.wired.com/story/family-phone-plans-hidden-risk-domestic-violence-victims/>.

Family phone plans and abuse

According to the Centers for Disease Control, tens of millions of Americans—especially women—have survived physical violence, contact sexual violence, or stalking by an intimate partner.² Millions of Americans also face other forms of abuse such as threats or the exposure of their private information online without their consent.

Family phone plans enable several people to join a shared cell phone service contract, usually in exchange for lower monthly service charges. For phone companies, these shared plans are a way to keep customers who might otherwise leave to sign up with a different service provider.³ Many companies charge high fees to customers who want to exit a family plan—up to \$350 per line to leave the contract, as well as the remaining cost of any smartphone or other device for which the customer was paying by installments.⁴

As our phones generate ever more data about us, family phone plans can become tools of stalking and other abuse.⁵ Several plans offer “parental” controls or apps that an abuser can use to monitor where a victim’s or child’s phone is—and a history of where the phone has been during the past seven days—as well as what numbers the victim or child has been calling or texting.⁶ This information can help the abuser follow, harass, and threaten the victim or other family members. It can also discourage the victim from reaching out to others for help.

State protections are limited

Many states have not yet passed laws enabling abuse survivors to get out of family phone plans they share with their abusers. Survivors who live in these states—especially those who have low incomes—could effectively be trapped in a contract with the abuser that lets the abuser control them.

Other states have taken the important first step of passing laws allowing courts to issue orders letting survivors get out of shared phone plans. However, most of these laws do not give survivors a right to end their contracts completely, instead simply enabling them to switch to a different plan with the same phone company—leaving them obligated to pay fees and billing costs that many will not be able to afford.

² Centers for Disease Control, “National Intimate Partner and Sexual Violence Survey: 2015 Data Brief – Updated Release,” Nov. 2018, <https://www.cdc.gov/violenceprevention/pdf/2015data-brief508.pdf>, pp. 7-10.

³ See, e.g., Matsakis, *supra* n. 1; Rebecca Jennings, “Why so many financially independent adults are still on their parents’ phone plans,” *Vox*, Jan. 10, 2019, <https://www.vox.com/the-goods/2019/1/10/18172589/phone-plan-verizon-att-sprint-millennials>.

⁴ See, e.g., Verizon, “My Verizon Wireless Customer Agreement,” <https://www.verizon.com/legal/notices/customer-agreement/>; US Cellular, “Customer Service Agreement,” <https://www.uscellular.com/legal/customer-service-agreement>; AT&T, “Understand Early Termination Fees,” <https://www.att.com/support/article/wireless/KM1253555/> (all accessed July 23, 2020).

⁵ For research on how abusers can misuse family phone plans to inflict abuse, see generally Diana Freed et al., “‘A Stalker’s Paradise’: How Intimate Partner Abusers Exploit Technology,” *ACM Conference on Human Factors in Computing Systems* (2018), available at <http://nixdell.com/papers/stalkers-paradise-intimate.pdf>; Diana Freed et al., “Digital Technologies and Intimate Partner Violence: A Qualitative Analysis with Multiple Stakeholders,” *Proceedings of the ACM on Human-Computer Interaction*, vol. 1 (2017), available at <http://nixdell.com/papers/a046-freed.pdf>; Emily Tseng et al., “The Tools and Tactics Used in Intimate Partner Surveillance: An Analysis of Online Infidelity Forums,” *USENIX Security Symposium* no. 29 (2020), available at <https://arxiv.org/pdf/2005.14341.pdf>.

⁶ See, e.g., Verizon, “Verizon SmartFamily FAQs,” <https://www.verizon.com/support/verizon-smart-family-faqs/>; AT&T, “Location tracking with AT&T Secure Family,” <https://www.att.com/support/article/wireless/KM1299008/>; T-Mobile, “T-Mobile FamilyWhere app,” <https://www.t-mobile.com/support/plans-features/t-mobile-familywhere-app> (all accessed July 23, 2020).

Two states have gone further, giving survivors a right to get out of shared phone plans completely and without needing a court order.⁷ However, survivors have to share sensitive information about their abuse—such as medical or police reports—with the phone company, and the laws do not yet require strong, specific privacy protections for that information.

A strong federal law would make leaving abusers easier

Due to COVID-19 lockdowns and COVID-related financial hardship, many survivors have less access than ever to the resources they would need to get out of shared phone plans under the terms of their contracts.

A strong federal law that lets survivors leave family phone plans would help vulnerable people in all states cut this potentially dangerous tie with their abusers. It would also end the patchwork of inconsistent state laws that often require court orders or other steps that may be onerous—especially during the pandemic.

We hope you will work with us to address this important safety issue. Please reach out to Sarah St. Vincent, Director of the Clinic to End Tech Abuse (stvincent@cornell.edu), to learn more and partner with us on protecting survivors.

Sincerely,

Clinic to End Tech Abuse (CETA)

Access Now

Covenant House New York

Electronic Frontier Foundation

National Network to End Domestic Violence

New York Cyber Sexual Abuse Task Force

NYC Alliance Against Sexual Assault

Sanctuary for Families

Steering Committee of the Technology-Enabled Coercive Control (TECC) Working Group, Seattle, WA
Urban Resource Institute

⁷ N.Y. Gen. Bus. L. § 399-yyy, https://nyassembly.gov/leg/?default_fld=&leg_video=&bn=A05318&term=2019&Summary=Y; Haw. Rev. Stat. § 269, as amended https://www.capitol.hawaii.gov/session2015/bills/HB538_CD1_.HTM.