



**CITY OF TACOMA, WASHINGTON  
OFFICE OF THE CITY COUNCIL  
COUNCIL CONSIDERATION REQUEST (CCR)**

**TO:** City Council  
**FROM:** Councilmember Ryan Mello  
**COPIES TO:** Elizabeth Pauli, City Manager; Executive Leadership Team; file  
**SUBJECT:** Click! network consumer privacy  
**DATE:** April 11, 2017

**ITEM/ISSUE PROPOSED FOR COUNCIL CONSIDERATION:**

We request a resolution to restrict private ISPs utilizing the Click! network, from collecting or selling consumer data without express written consent from the customer.

**BRIEF BACKGROUND:**

In light of recent federal legislation repealing rules requiring Internet Service Providers (ISPs) to get customer permission to collect, use, and sell information about the online habits of consumers, protecting the privacy and security of the customers of Click! Network is a vital concern to the City Council.

The Washington State House of Representatives has proposed legislation (HB 2200) that would institute protections similar to those recently repealed, but it is doubtful those protections would be put in place before the current legislative session ends.



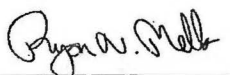
We therefore request that that Tacoma Public Utility Board prohibit internet service providers who have entered into agreements with Tacoma Power to use Click! Network, from collecting or selling personal information without express written approval from the customer.

This resolution would also request the TPU Board prohibit ISPs from refusing to provide services based on the customer refusing to allow data to be collected or sold.

**SUBMITTED FOR COUNCIL CONSIDERATION BY:**

  
\_\_\_\_\_  
**Councilmember Anders Ibsen**

**SUPPORTING COUNCILMEMBERS SIGNATURES**

1.  POS # \_\_\_\_ Mayor \_\_\_\_  
2.  POS# \_\_\_\_ 4 \_\_\_\_  
3.  POS# \_\_\_\_ 8 \_\_\_\_



Req. #

**DRAFT**

## RESOLUTION NO.

1 BY REQUEST OF MAYOR STRICKLAND AND COUNCIL MEMBERS CAMPBELL,  
2 IBSEN, AND MELLO

3 A RESOLUTION relating to protecting the privacy and security of Click Network!  
4 internet users:

5 WHEREAS, in 1997, the City, through its electrical utility, embarked on an  
6 effort to construct and operate a state-of-the-art telecommunication system for the  
7 benefit of its electric utility and electric utility customers, and

8 WHEREAS the telecommunications system ("Click! Network") was  
9 constructed and has been in continuous operation since 1999, and

10 WHEREAS Click! Network has entered into agreements with private  
11 internet service providers ("ISPs") to use the Click! Network to provide internet  
12 services to approximately 25,000 retail customers, and

13 WHEREAS Click! Network and the ISPs have the ability to collect personal  
14 information resulting from their customers' use of the internet, including  
15 (a) financial information; (b) health information; (c) information pertaining to  
16 children; (d) social security numbers; (e) precise geolocation information;  
17 (f) content of communications; (g) call detail information; and (h) web browsing  
18 history, application usage history, and the functional equivalents of either, from  
19 the users of their services, and

20  
21 WHEREAS, in 2016, the United State Federal Communications  
22 Commission ("FCC") proposed rules that would have required Click! Network and  
23 the ISPs to receive permission from their customers prior to collecting and selling  
24 such personal information, and

25 WHEREAS, on April 3, 2017, President Trump signed a United States  
26 congressional resolution that overturned the FCC internet privacy protections



DRAFT

related to Click! Network and the ISPs collecting and selling personal information resulting from internet use, and

WHEREAS the Washington State Legislature has proposed legislation ("HB 2200 and SB 5919") that would institute similar protections included in the prior FCC internet privacy rules; however, it is unlikely that such protections will be enacted into law before the current legislative session ends, and

WHEREAS protecting the privacy and security of Click! Network customers is of vital concern to the City Council, and the City Council desires that the Tacoma Public Utility Board ("Board") prohibit Click! Network and its ISPs from collecting or selling their customers' personal information without prior written permission, or refusing to serve customers who do not approve the collection or sale of their personal information; Now, Therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

Section 1. That the City Council hereby requests that the Tacoma Public Utility Board ("Board") prohibit internet service providers (including Click! Network pursuant to an "All-In" Retail Business Plan) who have entered into agreements with Tacoma Power to use Click! Network from collecting or selling personal information from a customer resulting from the customer's use of the internet without express written approval from the customer.

Section 2. That the City Council hereby requests that the Board prohibit its internet service providers (including Click! Network pursuant to an "All-In" Retail Business Plan) from refusing to provide services to a customer on the grounds that the customer has not approved the collection or sale of the customer's personal information.





1           Section 3. That the City Council hereby requests that in the event that  
2 Click! Network is sold or leased, the prohibitions as set forth in Sections 1 and 2  
3 above be included as condition of the sale or lease.

4           Section 4. That the prohibitions requested in this resolution shall remain in  
5 effect until such time as either the federal government or the state of Washington  
6 enacts the same or broader privacy and security protections for internet users.

7  
8 Adopted \_\_\_\_\_

9  
10 \_\_\_\_\_  
Mayor

11 Attest:

12  
13 \_\_\_\_\_  
City Clerk

14 Approved as to form:

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16 \_\_\_\_\_  
17 Acting City Attorney  
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