

**1PRIVACY IMPACT ASSESSMENT
FOR THE
U.S. DEPARTMENT OF COMMERCE**

**Notice of Proposed Rules
to Implement and Administer a Coupon Program
for Digital-to-Analog Converter Boxes**

Project: Notice of Proposed Rules to Implement and Administer a Coupon Program for Digital-to-Analog Converter Boxes

Unique Project Identifier: NA

OMB information collection control number: OMB Control No. 0660-XXXX

Project Description

The National Telecommunications and Information Administration (NTIA) will publish a Notice of Proposed Rule Making (NPRM) to establish a program to provide coupons for consumers to purchase digital-to-analog converter boxes. Converter boxes are necessary for consumers who wish to continue receiving full-power broadcast programming over the air using analog-only television sets after February 18, 2009 - - the date that the law requires full-power television stations to cease analog broadcasting. Without converter boxes, consumers with analog only television sets will be unable to view digital television broadcasts over-the-air. To help consumers who wish to continue receiving broadcast programming over the air using analog-only televisions not connected to cable or satellite service, Congress authorized NTIA to create a digital-to-analog converter box assistance program.¹ As part of this program, eligible U.S. households may obtain no more than two coupons of \$40 each to apply towards the purchase of a digital-to-analog converter box. The Conference Report accompanying the Act expresses an expectation that NTIA will promulgate regulations governing aspects of the act within nine months of the Act's enactment.

1. What information is to be collected

Both personally identifiable information and business identifiable information are collected. The personal information collected is pertinent to the stated purpose for which the information is to be used, and only information that is required to implement the coupon program is collected. Likewise the business identifiable information collected is pertinent to the stated purpose for which the information is to be used, and only information that is required to implement the coupon program is collected.

The Digital Television Transition and Public Safety Act of 2005 provides that households may receive coupons towards the purchase of a digital-to-analog converter box by making a request as required by the regulations. The regulations, currently in the form of an NPRM, permit

¹ Title III of the Deficit Reduction Act of 2005, Pub. L. No. 109-171, 120 Stat. 4, ___ (Feb. 8, 2006).

households to request these coupons through an application process. To implement the program, information will be collected from three groups: the eligible households that request coupons; (2) manufacturers that will build the converter boxes; and (3) retailers that will accept the coupons and submit them for redemption.

Eligible Households. The information collected from eligible households as part of the process is only that information necessary to provide the requested coupons. The Act provides that a household may obtain coupons by making a request. Accordingly, the NPRM proposes an application process whereby households are required to submit the following: (1) name (2) address (3) the number of coupons required; (4) a certification that they only receive over the air television signals; and (5) certification that no one else in the household has or will apply for a coupon.

The information will be collected directly, on a voluntary basis, from the individual requesting the coupon. The information will not be collected from any other database, agency, or other system of records.

Manufacturers. The NPRM proposes certain standards for a digital-to-analog converter box and provides that NTIA will only certify converter boxes for the coupon program that meet these standards. The NPRM proposes to require manufacturers to self-certify that converter boxes meet the standards outlined in the rules. As part of this self-certification, NTIA may request only that business identifiable information necessary for NTIA to determine that the manufacturer is a legitimate business.

Retailers. The NPRM proposes to certify retailers to participate in the coupon program provided that the retailers self-certify that they: (1) provide information to customers about the necessity for and the installation of a converter box; (2) have in place systems that can be easily audited as well as have the ability to prevent fraud and abuse in the coupon program; (3) are willing to be audited at any time during the course of the coupon program; (4) have the ability to electronically provide NTIA with sales information related to coupons used in the purchase of converter boxes, specifically tracking each serialized coupon by number with a corresponding certified converter box purchase; and (5) will only submit coupons for redemption as a result of purchases made for converter boxes certified by NTIA. As part of this self-certification, NTIA may request only that business identifiable information necessary for NTIA to determine that the retailer is a legitimate business.

2. Why is the information being collected

The information is being collected from eligible households so that NTIA may provide the coupons to the requesting households via the U.S. postal service, as required by the statute. Of course, the collection of an applicant's name and address would be essential for NTIA to provide the coupon via the U.S. postal service. The certification information from manufacturers is being collected to ensure that converter boxes are manufactured to certification. The retailer certification information is being collected to ensure that the coupons are processed in an efficient manner and to prevent waste, fraud and abuse.

3. Intended use of the Information.

The information from the eligible households will be used solely to provide households with the requested coupons of \$40 each to be applied towards the purchase of a digital-to-analog converter box. The information is requested so that the coupons can be delivered to the eligible households by U.S. mail as required by the Act. The information from the manufacturers is being used to certify eligible converter boxes for the coupon program. The information from retailers is being used to certify retailers that can participate in the program.

4. With whom the information will be shared.

NTIA will serve as the official custodian of the information collected. Any personal or business information will be shared only with authorized users who have a legitimate need to know. For example, the information may be available to a contractor hired to assist in the implementation of the program. NTIA will require contractors to protect any information collected on behalf of NTIA.

In the event that this information is necessary for NTIA to carry out its functions is relevant to a violation or potential violation of law or contract, whether civil, criminal or regulatory in nature and whether arising by general statute or particular program statute or contract, or rule, regulation or order issued pursuant thereto, or the necessity to protect an interest NTIA or the Department of Commerce, the information may be referred to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, contract, rule, regulation, order, or protecting the interest of NTIA or the Department.

Information may be disclosed in the course of presenting evidence to a court, magistrate or administrative tribunal, including disclosures during the course of litigation, such as through discovery or to opposing counsel in the course of settlement negotiations.

Information may be disclosed to a Member of Congress submitting a request involving an individual when the individual has requested assistance from the Member with respect to the subject matter of the information.

NTIA cannot rule out possible requests for public disclosure of individual home contact information pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. 552. Under that Act and the agency's FOIA rules, the agency may be required to make such information publicly accessible unless it is determined that such disclosure would constitute a clearly unwarranted invasion of personal privacy within the meaning of FOIA Exemption 6, 5 U.S.C. 552(b)(6), or some other exemption applies.

5. What opportunities individuals have to decline to provide information or to consent to

particular uses of the information, and how individuals can grant consent.

Whether to provide the information necessary to process the coupon electronically, by mail, or at all, is voluntary. To the extent that eligible households do not wish to provide the information, they can decline to participate in the program. NTIA, however, will not be able to issue the coupon if the personal information is not provided. The Web-based form for submitting the necessary information electronically will include a Privacy Act notice. The notice will inform the applicant as to whether specific information requested by the form is voluntary or mandatory, and any consequences of not providing the information. Likewise, manufacturers and retailers can decline to submit the information but that decision will preclude them from participating in the coupon program.

6. How the information will be secured?

NTIA follows all IT security and procedures required by federal law and policy to ensure that information is appropriately secured. All required confidentiality, Privacy Act, and other privacy-related clauses will be inserted into any contractor's contract with NTIA. NTIA, or its contractor as applicable, will monitor, test and evaluate the system on a regular basis to assure that all controls continue to work properly, to safeguard the information collected.

7 Whether a system of records is being created under the Privacy Act, 5 U.S.C. 552a.

A Privacy Act "system of records" is defined as "a group of any records under the control of any agency from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual." A system of records containing the name and address of individuals applying for the coupons will be created.

8. Name, email address and telephone number of a contact person

Charles Franz, cf Franz@ntia.doc.gov, (202) 482-xxxx