

# NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION PRIVACY IMPACT ASSESSMENT

**Project: Coupon Program for Digital-to-Analog Converter Boxes**

**Unique Project Identifier: NA**

**OMB Control Number: None** [Pending OMB Approval]

## **Project Description:**

The National Telecommunications and Information Administration (NTIA) will publish a Final Rule 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 passed the Digital Television Transition and Public Safety Act of 2005 which authorized NTIA to create a digital-to-analog converter box assistance program. See [Title III of the Deficit Reduction Act of 2005, Pub. L. No. 109-171, 120 Stat. 4, 21 \(Feb. 8, 2006\)](#) (hereinafter referred to as “the Act”). As part of this program, the Act states that eligible U.S. households may obtain no more than two coupons worth \$40 each to apply towards the purchase of a digital-to-analog converter box. The Act prohibits two coupons from being used in combination towards the purchase of one digital-to-analog converter box. The Conference Report accompanying the Act expresses an expectation that NTIA will publish implementing 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 permit 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 is only information necessary to provide the requested coupons. The Act provides that a household may obtain coupons by making a request. Accordingly, the Final Rule introduces an application process whereby households are required to submit the following: (1) name; (2) address; and (3) the number of coupons required (but no more than two). The information will be collected on a voluntary basis directly from the individual requesting the coupon. The information will not be collected from any other database, agency, or system of records. To the extent that NTIA requests additional funds for the program, the eligibility for coupons provided from “contingent funds” will be limited to over-the-air only television households. These households must make a certification as to whether they receive cable, satellite, or other pay television service.

**Manufacturers.** The Final Rule outlines 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 Final Rule requires manufacturers that choose to participate in the program to submit a notice of intent to NTIA at least three months prior to submitting test results and sample models of converter boxes. The notice will include a brief description of the proposed converter box, including permitted as well as required features, and the date which the proposed converter box is expected to be available for testing. The notice of intent will include the name, title, and address and phone number of an individual responsible for the manufacturer’s submission. The manufacturer is then required to submit the converter box and the test results to NTIA.

**Retailers.** The Final Rule requires retailers that choose to participate in the coupon program to submit a form to NTIA certifying that they: (1) have been engaged in the consumer electronics retail business for at least one year; (2) have completed a Central Contractor Registration; (3) have in place systems that can be easily audited as well as systems that can provide adequate data to minimize fraud and abuse in retail redemption and government payment for coupons; (4) agree to have coupon box sales audited at any time during the term of participation in the coupon program by the U. S. Government or an independent auditor; (5) will provide NTIA electronically with redemption information and payment receipts related to coupons used in the purchase of converter boxes; and (6) agree to submit for payment only coupons resulting from purchases made for converter boxes.

## **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. The certification information from manufacturers is being collected to ensure that converter boxes are

manufactured to standard. The retailer certification information is being collected to ensure that the coupons are processed in an efficient manner, that retailers are paid by the federal government promptly, and to prevent waste, fraud and abuse.

### **3. What is the 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 for participation in the program.

### **4. With whom will the information 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 relevant to a violation or potential violation of law, whether civil, criminal or regulatory in nature, 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 or regulation. Likewise, the information may be released to protect the interest of NTIA or the Department of Commerce.

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. However, such information may be protected where 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.

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

**to particular uses of the information, and how may individuals grant consent?**

Individuals may decline to provide the information requested. To the extent that eligible households do not wish to provide the information, they may 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 information technology (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, will monitor, test and evaluate the system on a regular basis to ensure that all controls continue to work properly, to safeguard the information collected.

**7. Is a system of records 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 notice is being developed and will be published in the *Federal Register* before the system of records is established.

**8. Name, e-mail address and telephone number of a contact person.**

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