



Julius Genachowski
Chairman
Federal Communications Commission
445 12th Street, NW
Washington, DC, 20554

Dec. 2, 2011

Dear Chairman Genachowski:

I am writing on behalf of Consumer Watchdog to ask the Federal Communications Commission to investigate the "Spyphone Scandal" -- what could be one of history's largest examples of federal wiretapping law violations. Last month a researcher, Trevor Eckhart, demonstrated that software installed on more than 140 million smartphones is surreptitiously tracking the activities of their users.

Information that Carrier IQ software is collecting about users without their knowledge includes:

- when they turn their phones on;
- when they turn their phones off;
- the phone numbers they dial;
- the keystrokes they make;
- the contents of text messages they receive;
- the URLs of the websites they visit; the contents of their online search queries — even when those searches are encrypted;
- and the location of the customer using the smartphone — even when the customer has expressly denied permission for an app that is currently running to access his or her location.

In short, Eckhart showed Android, iPhone and Blackberry devices have become virtual spyphones as a result of the Carrier IQ software. It is not clear how the surreptitiously gathered information about private communications is used and whether it was shared with third parties for profit. Nonetheless, whatever the purpose for amassing the data, having done so appears to be a flagrant violation of wiretap laws.

Culpability in this massive wiretapping effort extends far beyond the software developer, Carrier IQ. Clearly mobile phone service providers, manufactures and operating system developers are all potentially implicated as well. We call on you to launch an immediate investigation into the involvement of software provider Carrier IQ; service providers AT&T, Verizon, Sprint and T-Mobile; operating system developers Google, Apple and Research In Motion; and device manufacturers including HTC, Samsung, Nokia and Motorola. This Spyphone Scandal is an intrusion on people's privacy on a massive scale. Those responsible must be held accountable. We call on you to launch an immediate investigation.

Sincerely,

A handwritten signature in black ink, appearing to read "John M. Simpson".

John M. Simpson, Privacy Project Director