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Comcast, Time Warner Stash Ex-Customer Info, 2 Suits Say

By **Matt Fair**

Law360, New York (June 04, 2012, 6:03 PM ET) -- A pair of nearly identical proposed class actions filed Thursday against Time Warner Cable Inc. and Comcast Cable Communications Inc. in California accuse the cable providers of illegally retaining customers' personal information long after their subscriptions were canceled.

The complaints, filed in the Northern District of California, allege the cable giants hold onto compromising personal information about their customers, including Social Security numbers and credit card numbers, even after customers terminate their accounts, a violation of the federal Cable Communications Policy Act.

"There are numerous serious and troubling privacy issues implicated by Comcast's practice of retaining and misusing their former customers' personal information, including the risk of identity theft and conversion of personal financial accounts," the suit against Comcast said. "Accordingly, CCPA affords consumers significant protection with respect to the collection, maintenance and disclosure of personally identifiable information provided by the subscriber to the cable operator."

The CCPA, the complaint says, requires that cable operators destroy the personal information "if the information is no longer necessary for the purpose for which it was collected and there are no outstanding requests or orders for such information." The suits claim that both cable companies failed to meet that requirement.

"Consumers are unaware that their personally identifiable information is retained indefinitely by Time Warner, as Time Warner fails to send annual privacy notices informing consumers that Time Warner continue to retain their information," the complaint against Time Warner said.

Comcast serves 23 million cable television customers, 17 million high-speed Internet customers, and 9 million phone and voice subscribers, the complaint claims. Time Warner, meanwhile, provides cable television subscriptions to about 20 million customers, high-speed Internet to 9 million customers and phone and voice service to 4 million customers.

Similarly, both cases contend that after the plaintiffs canceled their subscriptions with Comcast and Time Warner, the companies failed to provide them with annual notices required by CCPA detailing the nature of the information collected, how and when such information is disclosed and the length of time that information is maintained.

The suit against Comcast was brought on behalf of Steve Bayer, an Illinois resident, and Kandi Cook, who lives in California. California resident Todd Burton is the lead plaintiff in the case against Time Warner.

The complaints say the numbers of class members, which would include any customers in the U.S. that never received annual privacy notices from the companies, could total in the thousands.

The complaints assert the plaintiffs ascribe unspecified monetary value to the personal information that the cable companies allegedly continue to hold in their databases. CCPA provides for recovery of actual damages from violations totaling \$100 per day up to a \$1,000 limit per person.

The suits also seek to create separate classes specifically for customers in California, alleging violations of the California Customer Records Act.

Representatives from Time Warner and Comcast did not immediately return messages seeking comment Monday.

Plaintiffs in both cases are represented by Joseph Siprut, James McClintick and Todd Atkins of Siprut PC.

Counsel information for Time Warner and Comcast was not immediately available.

The cases are Steve Bayer & Kandi Cook et al. v. Comcast Cable Communications LLC, case number 3:12-cv-028626; and Todd Burton et al. v. Time Warner Cable Inc., case number 3:12-cv-02828. Both are in the U.S. District Court for the Northern District of California.

--Editing by Eydie Cubarrubia.

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