

UPDATE

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Summer Regulatory Compliance Check → Website Disclosure Requirements

It may be the dog days of summer but now is a good time to conduct internal audits and address any potential compliance risks. Over the past few years, the FCC and others have added additional website disclosure requirements that all MVPDs should be familiar with.

Below, we highlight some key website disclosure requirements.

Key Broadband Disclosure Requirements.

Net Neutrality Disclosures. The FCC's net neutrality rules require the disclosure of an ISP's network management practices via a publicly available, easily accessible website.

Broadband Labels. FCC rules require ISPs to provide a "nutritional label" style disclosure for each of their broadband service offerings on their websites.

Registered DMCA Agent. To qualify for the DMCA safe harbor from copyright infringement, ISPs must designate an agent to receive notifications of claimed copyright infringement and make the agent's contact information available to the public on its website. Since safe harbor eligibility also requires adoption of an Acceptable Use Policy ("AUP"), many providers include DMCA agent information within their AUP disclosures.

Key Video Disclosure Requirements.

All-In Pricing. MVPDs must display the "all-in" price for video whether separate or part of a bundle on marketing materials, which includes packaged pricing listed on an MVPD's website.

Public Inspection File. MVPDs must provide a link to the public inspection file hosted by the FCC from their home page and provide contact information on the website for a system representative who can assist any person with disabilities with issues related to the content of the public files.

Notice of Availability of Talking Guides. MVPDs must prominently display information about accessible navigation devices and separate solutions on their websites in a way that makes such information available to all current and potential subscribers. The notice must publicize the availability of accessible devices and separate solutions and explain the means for making requests for accessible equipment and the specific person, office or entity to whom such requests are to be made. All information must be provided in a format that is accessible to people with disabilities.

Closed Captioning. MVPDs must place contact information on their websites for immediate closed captioning concerns and written complaints.

Leased Access. MVPDs must place contact information on their websites for information about leased access channels.

State Privacy Laws. Many states have adopted comprehensive consumer data privacy laws, including California. Under these laws, companies are generally required to provide an online privacy notice on their websites, though the content required to be disclosed and consumer rights vary by state.

MVNO Obligations. If your company is launching mobile virtual network operator (“MVNO”) service, you are also subject to various website-related disclosure requirements. These should be reviewed for compliance and may also vary by state.

If you have questions about your website disclosure requirements or privacy obligations in general, please contact Scott Friedman at (608) 469-3596 or sfriedman@cinnamonmueller.com.

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