

October 20, 2016

The Honorable Tom Wheeler
Chairman
Federal Communications Commission
445 12th Street, NE
Washington, DC

**Re: WC Docket No. 16-106, Protecting the Privacy of Customers
of Broadband and Other Telecommunications Services**

Dear Chairman Wheeler:

We, the undersigned, believe that protecting consumer privacy is an important objective and one that our organizations fully support. We are also sensitive that our thousands of constituents are vulnerable to any changes in a privacy framework, which can be either beneficial or burdensome to them. In our previous comments, we asserted that if the Commission decides to proceed with privacy regulations on Information Service Providers (ISPs), they must not come with the cost of increased consumer confusion or be disparate from the existing rules set forth by the Federal Trade Commission (“FTC”).¹ Over the years, the FTC has engaged a thoughtful, deliberate, and flexible framework for protecting consumer privacy. Our organizations urge the Commission to mirror this framework for the rest of the Internet ecosystem so that consumers’ privacy expectations are both predictable and uniform.

Our position is supported by a recently-released privacy survey that confirms that 90 percent of consumers believe that all Internet companies, including edge providers and ISPs, should operate under the same set of assumptions and rules.² Further, 83 percent of the survey respondents agree that online privacy should be based on the sensitivity of their online data, not necessarily the company that is collecting it.³

In the recent FCC fact sheet describing the Commission’s proposed privacy framework,⁴ there is discussion on the move to a more sensitivity-based approach, and we support those steps. However, we are also concerned that the proposal may be too broad in scope, forcing it to also

¹ See, Comments of the Multicultural Minority Media, Telecom and Internet Council and Eight Leading Intergovernmental, Consumer, Business and Social Justice Organizations, WC Docket No. 16-106 (filed May 27, 2016) (“MMTC, et al. Comments”), <http://www.mmtconline.org/wp-content/uploads/2016/05/PARTNERPRIVACY-COMMENTS-52716.pdf>.

² See, Progressive Policy Institute Consumer Survey at 2, <http://www.progressivepolicy.org/issues/economy/ppi-poll-recent-national-survey-internet-users/> [last accessed October 20, 2016].

³ *Id.* at 3.

⁴ Chairman Wheeler’s Fact Sheet, http://transition.fcc.gov/Daily_Releases/Daily_Business/2016/db1006/DOC-341633A1.pdf [last accessed October 20, 2016].

include all web browsing and app usage data under the umbrella of sensitive data that would potentially deprive consumers' access to new, innovative, and convenient products, services, and features. Thus, we encourage the Commission to narrow sensitive data to categories that include precise data about a customer's location, children's data, social security numbers, or other sensitive information about health or finances.

Many consumers, especially those households with limited incomes, appreciate receiving relevant advertising that is keyed to their interests and provides them with discounts on the products and services they use. We believe that the Commission can protect consumers in the same way that the FTC has done for many years and trigger web browsing and app usage data "sensitive" if it touches the categories listed above.

As the Commission moves toward a potential rulemaking on this issue, we implore the agency to ensure alignment with the FTC to amplify, rather than deviate from past precedents. Consumers' data should not be treated differently over the Internet and any new rules should be consistent with their current use of the Internet.

Sincerely,

League of United Latin American Citizens

Multicultural Media, Telecom and Internet Council

OCA – Asian Pacific American Advocates

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