

Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, DC 20554

In the Matter of)
)
 Protecting the Privacy of Customers of Broadband) WC Docket No. 16-106
 And Other Telecommunications Services)
)
)

**COMMENTS OF
 THE BLACK WOMEN'S ROUNDTABLE**

The Black Women's Roundtable¹ (BWR) respectfully submits these Comments in response to the Federal Communications Commission's (Commission) Notice of Proposed Rulemaking² (NPRM) in the docket referenced above.

The BWR urges the Commission to employ a more comprehensive and uniformed approach to regulating consumer privacy that is consistent with the principles of the Obama Administration's multi-stakeholder approach³ to adopting clear and consistent consumer privacy guidelines. While the BWR recognizes and agrees with the Commission's interest in protecting online consumer privacy, the NPRM's narrow focus on regulating Internet Service Providers

¹ The Black Women's Roundtable (BWR) is the women and girls empowerment arm of The National Coalition on Black Civic Participation. The BWR Public Policy Network is an intergenerational civic and issue engagement network that advocates for just and equitable public policy that promotes the health and wellness, economic security, education and global empowerment of Black women and girls.

² *Protecting the Privacy of Customers of Broadband and Other Telecommunications Services*, Notice of Proposed Rulemaking, 31 FCC Rcd 2500 (April 1, 2016), available at https://apps.fcc.gov/edocs_public/attachmatch/FCC-16-39A1_Red.pdf (last visited May 26, 2016)

³ See The White House, *Consumer Data Privacy in a Networked World: A Framework for Protecting Privacy and Promoting Innovation in the Global Digital Economy* (February 2012), available at <https://www.whitehouse.gov/sites/default/files/privacy-final.pdf> (last visited May 26, 2016)

(ISPs), while leaving other players in the Internet ecosystem at liberty to collect and use consumers' data at will, would 1) create an inconsistent approach to protecting consumer privacy and 2) cause confusion among consumers due to a lack of clear and uniformed consumer privacy guidelines.

The Commission should employ the Obama Administration's multi-stakeholder approach to addressing consumer privacy protections

In 2012, the White House created a framework that called for a multi-stakeholder approach to creating strategies to address consumer privacy⁴. More specifically, this framework identified the National Telecommunications and Information Administration (NTIA) as the authority to convene a multi-stakeholder process to address Internet consumer privacy issues⁵. As a result of this multi-stakeholder process advocates, policy-makers and experts have been working together to create a unified approach to protecting consumers' privacy. The White House framework further identified the Federal Trade Commission (FTC) as the enforcement agency for the consumer privacy code of conduct developed by the multi-stakeholders⁶.

Rather than creating separate and varying privacy rules, the Commission should harmonize its efforts with those of the NTIA, FTC and multi-stakeholders in order to best leverage its unique expertise and authority to benefit consumer privacy.

⁴ Id. at 7

⁵ Note 3 at 26

⁶ Note 3 at 7

The Commission should work in tandem with the Federal Trade Commission to develop comprehensive consumer privacy protections across the board

When accessing the plethora of information and services available on the Internet, consumers provide a great deal of information about themselves to Internet “edge providers” such as social networks, search engines, operating systems, email providers, consumer apps, and online retailers. This information includes far more sensitive personal data than the basic information that ISPs require from consumers in order to use their services. Consumers’ transactions involving sensitive personal information are far more vulnerable from edge providers, such as Microsoft and Facebook, which have far deeper access to consumer data than ISPs.

The FTC, has a long-standing history of consumer privacy protection and enforcement of the types of consumer data that edge providers collect from consumers. While the Commission may lack jurisdiction to regulate the entire Internet ecosystem—particularly the edge providers, working in junction with the FTC gives the Commission the ability to create a full complement of privacy guidelines that could more effectively protect consumers. For these reasons, we urge the Commission to work in tandem with the FTC to create comprehensive and uniformed consumer privacy regulations.

The Commission’s NPRM will lead to consumer confusion

The Commission’s proposal to create rules that apply inconsistently across the entire Internet ecosystem will cause consumer confusion and increase distrust of the Internet. By proposing rules that are inconsistent with the direction that has been established by other agencies and accepted as common knowledge by consumers, the Commission will make it more

difficult for consumers to distinguish which protections apply amid a patchwork of regulations that are fragmented across the Internet ecosystem.

Creating a clear and consistent set of ground rules that apply to all players across the Internet ecosystem is necessary to minimize consumer confusion. In order to avoid consumer confusion with a complex set of privacy guidelines, the Commission should harmonize its proposals with the work being done by the FTC and NTIA in order to create even-handed and consistent consumer privacy protections.

Respectfully Submitted,

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