

KAMALA D. HARRIS
Attorney General

State of California
DEPARTMENT OF JUSTICE



455 GOLDEN GATE AVENUE, SUITE 11000
SAN FRANCISCO, CALIFORNIA 94102-7004

Public: (415) 703-5500
Telephone: (415) 703-1008
Facsimile: (415) 703-1016
E-Mail: justin.erlich@doj.ca.gov

July 6, 2016

The Honorable Tom Wheeler
Chairman, Federal Communications Commission,
Washington, DC 20554

RE: Comments on WC Docket No. 16-106: In the Matter of Protecting the Privacy of
Customers of Broadband and Other Telecommunications Services

Dear Chairman Wheeler:

I am writing to express strong support for the Federal Communications Commission's proposed broadband privacy rule. The current "notice and choice" privacy regime too often has resulted in unnoticeable notices and illusory choices. In going beyond that regime, the proposed rule for broadband internet access providers (commonly known as ISPs) will better meet consumers' needs. The proposed rule is particularly appropriate for ISPs, the segment of the communications and online ecosystem that serves as the central onramp to the digital world.

Our only concern is the effect the proposed rule could have on state laws. We recommend the rule should be clarified to clearly provide that a state law that offers greater consumer protection is not *per se* inconsistent with the rule. In our comments, we also make some recommendations on a few other issues of note, including collection limitation, improved transparency, data security, and breach notification.

We commend the Commission for its commitment to protecting the privacy interests of consumers in this critical arena. We urge you to recognize the important role that states play in consumer privacy protection and to ensure that the final rule's language respects that role.

Thank you for your consideration of our comments.

Sincerely,

A handwritten signature in black ink that reads "Justin A. Erlich".

JUSTIN A. ERLICH
Special Assistant Attorney General

For KAMALA D. HARRIS
Attorney General

Attachment