

November 9, 2015

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: MB Docket No. 07-294, *Promoting Diversification of Ownership in the Broadcasting Services*; MB Docket No. 10-103 *Review of Media Bureau Data Practices*; MD Docket No. 10-234, *Amendment of Part I of the Commission's Rules, Concerning Practice and Procedure, Amendment of the CORES Registration System*

Dear Ms. Dortch:

On November 5, 2015, Thomas Blessing from the University of Michigan (“U of M”), and Henry Shi and the undersigned, counsel to U of M, attended separate meetings regarding these proceedings with Jessica Almond, Legal Advisor to Chairman Wheeler, and with Holly Saurer, Legal Advisor to Commissioner Clyburn.

In each of these meetings, U of M commended the Commission’s efforts to craft rules to promote minority and female broadcast media ownership, and expressed its appreciation of the Commission’s need to improve its ownership data in order to do so. At the same time, U of M urged the Commission not to require board members of public university broadcasters to submit information about their gender, race, and ethnicity; or sensitive personally identifiable information (“PII”) like date of birth, residential address, and partial Social Security number.

U of M emphasized that demographic information about individuals serving on the governing bodies of public educational institutions would be of relatively little value to the Commission’s efforts to increase diversity in media ownership. And collecting PII exposes these individuals—who are elected or appointed government officials—to significant and security and identity-theft risks. The partial Social Security number readily can be exploited in combination with other PII, such date of birth, to deduce the first five digits, which are not randomly assigned.¹

U of M also argued that the Third Circuit’s decision in *Prometheus Radio Project v. FCC*,² does not require the Commission to collect demographic data for public educational broadcasters. The court’s opinion criticized the Commission’s broadcast ownership data but focused on commercial broadcasting: “[T]he Commission referenced no data on television ownership by

¹ See Alessandro Acquisti & Ralph Gross, “Predicting Social Security numbers from public data,” 106 PROCS. OF THE NAT’L ACADEMY OF SCIENCES OF THE UNITED STATES OF AMERICA. 10975, 1075 (July 7, 2009), available at <http://www.pnas.org/content/106/27/10975.full.pdf>.

² 652 F.3d 431 (3d Cir. 2011).

minorities or women *and no data regarding commercial radio ownership* by women. This is because, as the Commission has since conceded, it has no accurate data to cite.”³ It surely did not require the Commission to demand demographic information, let alone PII, from board members of public university radio stations.

Finally, even if the Commission were to determine that collecting demographic data about public university broadcaster boards is of some non-negligible value, it still should not require these individuals to submit sensitive PII as part of the process. The *Seventh Further Notice* proposed requiring all such individuals to provide one’s full name, date of birth, residential address, as well as the last four digits of one’s Social Security number.⁴ In response to one commenter’s argument that the ability to identify and track individuals uniquely is not necessary to evaluate the distribution of ownership by gender and race, the *Seventh Further Notice* stated that such information is relevant to determining “whether the number of individual owners increased or whether existing owners acquired additional stations.”⁵ This rationale simply does not apply to government officials who serve on the boards that govern university broadcasters. These officials do not “acquire” this “ownership” in their individual capacity, and their status as government representatives drastically reduces the potential of interlocking boards and other indirect individual ownership interests that may be of concern for the Commission.

The Commission should take steps to improve its data collection practices, and should also craft policies to promote diversity in the broadcast media ownership market. Requiring public educational institutions to provide sensitive PII about their broadcast board members advances neither goal, and exposes government officials to needless risk.

Please contact me if you have any questions.

Sincerely,

Scott Blake Harris

Scott Blake Harris
Counsel to The University of Michigan

cc: Jessica Almond
Holly Saurer

³ *Id.* at 470 (emphasis added).

⁴ *Promoting Diversification of Ownership in the Broadcasting Services et al.*, Second Further Notice of Proposed Rulemaking and Seventh Further Notice of Proposed Rulemaking, MB Docket No. 07-294, 30 FCC Rcd. 1725, 1739 ¶ 23 (2015) (“*Seventh Further Notice*”).

⁵ *Id.* ¶ 24 & n.115.