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## EULA Changes

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Vint Cerf [REDACTED]

Thu, Mar 8, 2012 at 6:54 AM

To: Alex Salter [REDACTED]

Cc: Walter Johnston [REDACTED], Meredith Whittaker

[REDACTED], Thomas Gideon [REDACTED]

Hi Alex,

Nice to meet you during our last meeting. I reviewed the updated EULA and noticed passages in section 14.1 where it needs to be changed to ensure that data release doesn't put SamKnows in violation of its stated commitment to the M-Lab volunteers. I've pasted this section below.

The first boldfaced passage defines all of "broadband performance information" as PII. This appears to be a drafting error, given that this passage also defines "broadband performance information" as a subset of "broadband performance information." This could easily be removed, along with "sum of data transferred," which is also not PII, but defined as such in this statement. The second highlighted passage commits to releasing data only in aggregate. The mention of a solely aggregate release could and should also be removed.

14.1 For the avoidance of doubt, the release of IP protocol addresses of client's Whiteboxes are not PII for the purposes of this program, and the client expressly consents to the release of IP address and other technical IP protocol characteristics that may be gathered within the context of the testing architecture. SamKnows, on behalf of the FCC, is collecting and storing broadband performance information, including various personally identifiable information (PII) such as the street addresses, email addresses, sum of data transferred, and broadband performance information, from those individuals who are participating voluntarily in this test. PII not necessary to conduct this study will not be collected. Certain information provided by or collected from you will be confirmed with a third party, including your ISP, to ensure a representative study and otherwise shared with third parties as necessary to conduct the program. SamKnows will not release, disclose to the public, or share any PII with any outside entities, including the FCC, except as is consistent with the SamKnows privacy policy or these Terms and Conditions. See <http://www.samknows.com/broadband/privacy.php>. The broadband performance information that is made available to the public and the FCC, will be in an aggregated form and with all PII removed. For more

information, see the Privacy Act of 1974, as amended (5 U.S.C. § 552a), and the SamKnows privacy policy.

To be consistent with M-LAB commitments and practices, the paragraphs might read as shown below, where the boldfaced parts above have been edited to read as seen below.

14.1 For the avoidance of doubt, the release of IP protocol addresses of client's Whiteboxes are not PII for the purposes of this program, and the client expressly consents to the release of IP address and other technical IP protocol characteristics that may be gathered within the context of the testing architecture. SamKnows, on behalf of the FCC, is collecting and storing information, including various personally identifiable information (PII) such as the street addresses, email addresses, sum of data transferred, and broadband performance information, from those individuals who are participating voluntarily in this test. PII not necessary to conduct this study will not be collected. Certain information provided by or collected from you will be confirmed with a third party, including your ISP, to ensure a representative study and otherwise shared with third parties as necessary to conduct the program. SamKnows will not release, disclose to the public, or share any PII with any outside entities, including the FCC, except as is consistent with the SamKnows privacy policy or these Terms and Conditions. See <http://www.samknows.com/broadband/privacy.php>. The broadband performance information that is made available to the public and the FCC, will have all PII removed. For more information, see the Privacy Act of 1974, as amended (5 U.S.C. § 552a), and the SamKnows privacy policy.

Will this amendment work for SamKnows?

Thanks,  
Vint