



January 28, 2011

Via Email: privacynoi2010@ntia.doc.gov

National Telecommunications and Information Administration
U.S. Department of Commerce
1401 Constitution Avenue, NW, Room 4725
Washington, DC 20230

Re: Commercial Data Privacy and Innovation in the Internet Economy: A Dynamic Policy Framework – Comment, Docket No. 101214614-0614-01

Dear Internet Policy Task Force:

BlueKai is pleased to submit these comments to the Internet Policy Task Force on the Commerce Department's "Commercial Data Privacy and Innovation in the Internet Economy: A Dynamic Policy Framework" green paper. We appreciated the opportunity to participate in the Internet Policy Task Force's workshop in San Jose on January 27, 2010. We welcome the Commerce Department's continued support for the development of voluntary, enforceable codes of conduct as a key means of providing privacy protections in the dynamic global Internet economy. The Commerce Department's promotion of such industry codes of conduct since the early 1990s has provided entities in the Internet ecosystem, such as BlueKai, with the flexibility to evolve with new technologies and provide innovative offerings that contribute to commercial data privacy. BlueKai is exactly the kind of company that has been hiring new employees. We have seen first hand how innovation in the technology sector has been vital to job creation and the country's economic future. For this reason, we support the Commerce Department's approach of supporting voluntary codes of conduct. The government at all costs should avoid imposing regulations that could impact the robust and vibrant offerings in this one area that is a shining beacon and stands out above other areas in our economy.

I. BlueKai's Vision for Commercial Data

BlueKai's vision has been to be a leader in ushering in a new age of marketing by bringing enhanced transparency and control to the exchange of commercial data. BlueKai provides innovative services that help websites efficiently acquire revenue from the advertising on which they rely in order to offer services and content to consumers at a low cost. BlueKai partners with websites to collect "preference data," which is anonymous information about visitors' behaviors and interests. Additionally, BlueKai offers tools designed to enable consumers to see and change the preference data stored for a specific computer, or to opt out of the system entirely. For those computers where consumers have not opted out, BlueKai acts as an intermediary between the websites and

ad networks by providing pricing, standardization, and quality control for disclosures of this anonymous preference data for advertising purposes. In this role, BlueKai contracts with websites to help them decide which ad network may receive data gathered from websites and consumers, and also works with ad networks to help them locate trusted and high-quality data sources. BlueKai also controls the scope of information collected so that sites can protect themselves from unwanted data capture. Additionally, BlueKai sets terms and conditions and limits on how that data is utilized.

II. Support for Voluntary Industry Codes of Conduct

BlueKai's ability to create the first data exchange with consumer transparency and control at its core and our continued efforts to provide innovative services have been deeply aided by the Commerce Department's longstanding support for voluntary industry codes of conduct. Given the continued emergence of dynamic technologies, we believe that as the Department has highlighted in its green paper, industry self-regulation remains key to providing flexibility in rules that can evolve with new technologies and business models. BlueKai also believes that in the face of rapid innovation the wrong legislation could quickly create unintended consequences that could hurt publishers, consumers, and advertisers alike. BlueKai supports the Department's renewed efforts to promote such voluntary industry codes as key to ensuring that companies such as BlueKai can continue to innovate and contribute to the dynamic Internet economy.

III. Transparency for Commercial Data Practices

Since its inception, BlueKai has been committed to commercial data privacy by offering transparency to consumers about the information we collect and store in preference profiles. At our BlueKai Registry (<http://tags.bluekai.com/registry>), consumers have complete access to the anonymous preferences we store. When a consumer visits the BlueKai Registry, it displays a list of the broad interest categories that are associated with the computer from which the Registry is accessed. Consumers can add dormant preferences to the list or remove certain preferences that do not interest them, thereby declining to have their preferences used for advertising purposes. Because BlueKai works with key data creators, the BlueKai registry gives consumers one place to impact many creators of data and many users of data. We only share preference data related to shopping or reading interests and do not collect data that consumers may consider to be sensitive, such as data pertaining to serious health, political interests, or adult behavior. BlueKai returns value to each consumer who participates in the BlueKai Registry by donating a percentage of the data revenue associated with that consumer's computer to a charity of the consumer's choice.

BlueKai's efforts to provide transparency to commercial data have not been limited to our website (<http://www.bluekai.com>). In June 2010, BlueKai released a white-label version of the BlueKai Registry, which provides an out-of-the-box tool for publishers and marketers to provide consumers with the same transparency and control through registries on their own websites. As a business-to-business entity, BlueKai provides this complimentary tool to publishers and marketers so that those entities, which

are business-to-consumer companies and therefore more likely to be familiar to the consumers, may use their own company branding with the registries.

IV. Durable Choices for Commercial Data

As another key component to commercial data privacy, consumer control has always been central to BlueKai's data exchange. Consumer trust is crucial to the Internet economy, and we recognize that this trust can be tested when consumers' choices to opt out of data collection are lost when the consumers delete all cookies or switch browsers. To increase the durability of consumers' choices, BlueKai developed the NAI Opt-Out Protector, an open-source solution to make consumer opt-out choices more persistent. BlueKai is now working with our partners in industry to promote the adoption of the NAI Opt-Out Protector. Presently, consumers may opt out of BlueKai services through our website or through the Network Advertising Initiative consumer opt-out page located at http://www.networkadvertising.org/managing/opt_out.asp# and through the Digital Advertising Alliance's consumer opt-out page located at <http://www.aboutads.info/choices/>. The recent Chrome opt-out protector is extremely similar in how it works and this was precisely the goal of creating the Opt-Out Protector. We were hoping that the browser companies would incorporate substantially similar capabilities.

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BlueKai appreciates the opportunity to submit these comments to the Commerce Department. If you have any questions, please contact me at 425-452-9200.

Sincerely,

Omar Tawakol
Chief Executive Officer
BlueKai