August 4, 2014

Mr. John Morris via email privacyrfc2014@ntia.doc.gov
National Telecommunication and Information Administration
U.S. Department of Commerce
Att: Privacy RFC 2014
1401 Constitution Ave. NW, Room 4725
Washington DC. 20230

RE: Request for Public Comment Big Data Study and Consumer Privacy in the Internet Economy
Docket No. 140514424-4424-01

Dear Mr. Morris,

Thank you for providing the Online Trust Alliance (OTA) the opportunity to submit comments in response to NTIA's request for comment. As a 501c3 non-profit organization, OTA's mission is to enhance online trust and empower users while promoting innovation and the vitality of the Internet. OTA works to educates businesses, policy makers and stakeholders about best practices and tools that enhance the protection of users' security, privacy and identity.

OTA applauds NTIA's leadership and commitment in facilitating this multi-stakeholder discussion and recent release of the Big Data Report (Big Data: Seizing Opportunities, Preserving Values). As big data is fueling economic growth and job formation it is also fueling considerable privacy and data security concerns. Both the public and private sectors need to look at the long-term implications. We need to become stewards of data, moving from a compliance mindset to one that takes full account of consumer context and societal expectations of the data collected, used and shared.

Big data brings many benefits and implications to the global economy. However, we are simultaneously grappling with a broad set of issues that may have a collective impact to consumer trust and confidence. To preserve online trust we must establish policies and mechanisms to have reasonable, notice and consent which are discoverable and comprehendible. Just in time and contextual notices are a partial solution when added with similar disclosures on first use and as applicable, prior to app downloads. Respect for context must be established, while providing a balance of individual controls and data retention principles.

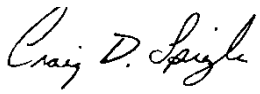
OTA supports the White House and Commerce Department's call for Congress to pass legislation adopting the Consumer Bill of Rights empowering the Federal Trade Commission and State Attorney General with enforcement powers, while providing incentives supporting self-regulation and enforceable codes of conduct.

As cybercrime and breach incidents continue to escalate, OTA supports the call for Federal Data Breach legislation as outlined in the White House Big Data report. Such legislation must preempt the existing patchwork of State and sectorial laws which are burdening businesses today. We envision such legislation be modeled off of CAN-SPAM, providing the FTC and States Attorney General enforcement powers. Recognizing there is no perfect security against determined cybercriminals, such legislation should provide "safe-harbor" protections from regulatory oversight and private lawsuits for those businesses who adopt a "data security code of conduct" and are able to demonstrate the adoption of security enhancing best practices.

In summary, OTA looks forward to continued collaboration with all stakeholders including online brands, technology providers, trade organizations, government agencies and advocacy groups who recognize the benefits and risks of big data. OTA recognizes that business accountability, data stewardship and data protection are all important privacy issues when considering implications of data collection. The goal of this discussion should be to maximize the potential benefits of big data and promoting innovation while minimizing the privacy, identity theft and related data security risks.

The Online Trust Alliance thanks National Telecommunications and Information Administration for considering these comments.

Sincerely,



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