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United States Senate

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April 10, 2012

The Honorable Lawrence E. Strickling
Administrator
National Telecommunications and Information Administration
Department of Commerce
1401 Constitution Avenue, NW
Washington, DC 20230

RE: Docket Number 120214135-2135-01

Dear Administrator Strickling:

In February, the Obama Administration released its report on consumer privacy entitled, "Consumer Data Privacy in a Networked World: A Framework for Protecting Privacy and Promoting Innovation in the Global Digital Economy." The Framework articulates a Consumer Privacy Bill of Rights that outlines the Administration's core principles and could serve as a blueprint for legislation. Furthermore, the Framework also proposes a "multi-stakeholder process" in which interested parties would convene and create voluntary codes of conduct that would be enforced by the Federal Trade Commission (FTC). Violations of these codes would constitute a violation of the FTC Act's prohibition against "unfair or deceptive acts or practices."

The National Telecommunications and Information Administration (NTIA) will be convening the multi-stakeholder process and has asked for comments from interested parties. As Chairman of the Senate Committee on Commerce, Science, and Transportation, I have made consumer privacy a priority of the Committee's agenda. Indeed, the Committee has a long history of deliberating on consumer privacy under both Democratic and Republican chairs. As the current Chairman, I will be closely monitoring the multi-stakeholder process; and I urge the Administration to include a diverse array of perspectives and voices.

In order for the multi-stakeholder process to fulfill its mission to forge voluntary, enforceable codes of conduct that provide meaningful privacy protections for American consumers, it is important that the process include a multitude of viewpoints outside of the business world. That is, consumer groups, academics, and other public interest parties must have significant representation. If the multi-stakeholder process includes only business participants, the codes of conduct will largely serve business interests and lack legitimacy. Of course, companies must offer their expertise and are crucial in providing insight on practical implementation, but their fiduciary duty is to their shareholders, not to consumers. Polls

consistently show that average Americans are concerned about how their information is collected and used – as reflected in a recent survey by Consumer Reports – and consumer groups can articulate this widespread concern. Other public interest stakeholders, such as academics, can provide expertise that is independent from a commercial perspective. In sum, both businesses and consumer groups have important roles to play in the multi-stakeholder process, and both should have significant representation.

Furthermore, I believe the multi-stakeholder process should endeavor to provide consumers with simple solutions. Average consumers, who may lack technical or legal expertise, should not have to wade through long, wordy privacy policies or jump through numerous hoops to protect their personal information. The multi-stakeholder process should attempt to provide consumers with easy methods of controlling when and how their information is collected and used. I have proposed a Do-Not-Track mechanism in legislation as an example of such a simple method; the FTC has similarly lauded Do-Not-Track as a promising means of properly empowering consumers; and the online industry is pledging to at least partially honor Do-Not-Track requests from web browsers. I believe that the multi-stakeholder process should build off of these developments and explore other initiatives that promote simplicity and transparency for consumers.

I commend the Administration for proposing the multi-stakeholder process and am hopeful that the NTIA's work will produce substantive results. If the process includes a strong contingent of public interest groups and focuses on how to simplify privacy protections for average Americans, I am confident that the voluntary codes of conduct will serve consumers well.

Sincerely,



John D. Rockefeller IV
Chairman
Senate Committee on Commerce,
Science, and Transportation