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Via Electronic Submission

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RE: Docket No. 120214135–2135–01 Multistakeholder Process to Develop Consumer Data Privacy Codes of Conduct

We write to stress the multistakeholder process must be inclusive, public, and the substance of the codes of conduct should provide protections for teens and kids. Common Sense Media looks forward to participating in the multistakeholder process to develop Consumer Privacy Codes of Conduct. We respond to the NTIA request for comments on how the stakeholder process should be structured, and on what issues should be addressed.

The stakeholder process must be inclusive. As General Counsel Cameron Kerry recently said to IAPP, “*You can’t have a conversation when only one side understands the language. And privacy needs to be a conversation.*” Non-commercial interests, such as parents, kids, and other consumers, must have the ability to meaningfully participate – to “understand the language.” This means that steps must be taken to counter-balance the intimate knowledge of technological details that business interests have. Neutral technology experts advising the stakeholders could provide this balance.

Steps must also be taken to allow participation by parents and kids. Families and individuals outside of Washington, DC will be deeply affected by the result of the stakeholder process. The NTIA should conduct a series of townhalls outside of Washington, DC to inform parents and families of the process. These venues should also serve as a “listening tour” so that the stakeholder process can incorporate the privacy expectations of the public. Holding these events in schools also facilitates the participation of educators.

The topics of the codes of conduct must improve the protection of children’s and teen’s privacy. The White House notes that “the principles in the Consumer Privacy Bill of Rights may require greater protections for personal data obtained from children and teenagers than for adults.” Teen privacy, and kid’s data not protected by COPPA, are current gaps in regulatory and self-regulatory efforts.

Common Sense’s 2010 brief “Protecting our Kid’s Privacy in a Digital World” lays out a series of recommendations for industry and policymakers.¹ These include limits on the collection of children’s data, limits on behavioral profiling, opt-in for children and teens, the development

¹ Common Sense Media, *Protecting Our Kids’ Privacy in a Digital World*, 1 (Dec. 2010). http://cdn2-www.ec.common sense media.org/sites/default/files/privacy_whitepaper_dec2010.pdf.

of “eraser buttons” and clear and transparent privacy policies. We look forward to engaging in the stakeholder process to implement these recommendations.

Sincerely,

Guilherme Roschke
Policy Counsel