

Concerning a harmonized regulatory landscape:

States need to retain their right to enact their own laws around privacy in the tech-sector. Industry complaints about confusion or inconvenience stifling innovation are disingenuous. It's hard for me to believe that companies and corporations capable of such intellectually-driven products and services do not have the capabilities to abide by a variegated legal landscape. One could argue that these companies *already* have to deal with the complicated minutiae of legal matters domestically and internationally. A national mosaic of privacy laws isn't something this industry can't handle. In fact the very parties who are concerned about such a fragmentation hurting innovation and prosperity already operate within a realm that is a patchwork of policies. Facebook and its third party associates all have their own unique privacy policies, so in order to be fully informed, one must read a litany of literature, all of which have their own voice, syntax, and organization. If harmonizing the regulatory landscape is an end goal to these deliberations, then the businesses that desire such a milieu should standardize their language as well.

Concerning user control over their information:

Get rid of default data-sharing preferences. Make users opt-in instead of having to opt-out. When helping out a family member with Facebook settings, I noticed that she had opted to share her personal text messages with FB. There's no operational reason FB should know about anything beyond the limits of its service - for example FB should not have access to my computer metadata such as its battery life, available memory, applications or files.

Trust should be at the heart of the matter of user interactions with these services, but when people put trust in Facebook, Amazon, or any other data-sharing business model, they in turn need to trust the third parties actively exploiting their information. It would give users agency if third party data-use policies were available to be examined. I don't feel that prosperity and innovation are mutually exclusive from the enactment of stringent consumer privacy laws. Prosperity for private enterprise should not override the privacy of individuals.

Questions D-1&2

- 1. Do any terms used in this document require more precise definitions?*
- 2. Are there suggestions on how to better define these terms?*

Have a working definition of "information" Companies tend to save face by stating that they don't sell or share personal information, but they do share metadata such as age, geographical location, profession, etc. Metadata *is* information, so stating that personal information is not shared must be qualified. I don't expect the industry to stop sharing information, just call it what it is, and don't equivocate by using misleading language whose shades of meaning carries undeniable weight. Using the phrase *personally identifying information* may be a more specific way to address the differences between the data that is and isn't shared.

Question: C-2

Should the Department convene people and organizations to further explore additional commercial data privacy-related issues? If so, what is the recommended focus and desired outcomes?

In addition to meeting with the industry legal experts, the US government should convene with consumer advocacy groups, such as the electronic frontier foundation, as well as prominent librarians and libraries to learn from their perennially strong and effective privacy best-practices. The consumers in this equation, who lack sophisticated legal representation, must have experts represent their best interests. Because while private enterprise has incentive to protect user privacy, their primary concern with margins engenders a conflict of interest between their desire to profit from widely sharing information, and their supposed advocacy for the protection of said information.