

January 20, 2016

Tom Wheeler  
Chairman  
Federal Communications Commission  
445 12<sup>th</sup> St., SW  
Washington, D.C. 20554

Re: Broadband Privacy Rulemaking

Dear Chairman Wheeler:

The undersigned organizations urge you to commence a rulemaking as soon as possible to protect the privacy of broadband consumers. As Commissioner Julie Brill of the Federal Trade Commission (FTC) stated in a recent speech on broadband and privacy, the Federal Communications Commission's (FCC) reclassification of broadband as a Title II common carrier service adds it as "a brawnier cop on the beat" on privacy issues. She welcomed the opportunity for the two agencies to work in cooperation to create "strong consumer privacy and data security [that] are key ingredients of our data-intensive economy, including the practices of broadband providers."

Providers of broadband Internet access service, including fixed and mobile telephone, cable, and satellite television providers, have a unique role in the online ecosystem. Their position as Internet gatekeepers gives them a comprehensive view of consumer behavior and until now privacy protections for consumers using those services have been unclear. Nor is there any way for consumers to avoid data collection by the entities that provide Internet access service. As the role of the Internet in the daily lives of consumers increases, this means an increased potential for surveillance. This can create a chilling effect on speech and increase the potential for discriminatory practices derived from data use. By contrast, commonsense protections may lead to a broader adoption and use of the Internet, as individuals gain confidence in conducting everyday business and exploring new services online.

With the recently signed Memorandum of Understanding on Consumer Protection between the FCC and FTC outlining continuing interagency cooperation on privacy, the FCC is now well positioned to take its place as that "brawnier cop on the beat" focusing on broadband providers. We therefore strongly urge that the FCC move forward as quickly as possible on a Notice of Proposed Rulemaking proposing strong rules to protect consumers from having their personal data collected and shared by their broadband provider without affirmative consent, or for purposes other than providing broadband Internet access service. The proposed rules should also provide for notice of data breaches, and hold broadband providers accountable for any failure to take suitable precautions to protect personal data collected from users. In addition, the rules should require broadband providers to clearly disclose their data collection practices to subscribers, and allow subscribers to ascertain to whom their data is disclosed.

We thank you for your continuing commitment to consumer privacy protection. In addition to the Commission's important decision last year to retain authority to protect consumer privacy on broadband telecommunications services, the FCC has worked diligently under your administration to enforce existing privacy protections for voice communication, and to require greater transparency for broadband provider service practices. We look forward to working with you to modernize these existing rules to clarify crucially important protections for consumers online.

Sincerely,

Access

Access Humboldt

Access Sonoma Broadband

American Association of Law Libraries

American Civil Liberties Union

Appalshop, Inc.

Ashbury Senior Computer Community Center

Benton Foundation

Broadband Alliance of Mendocino County

California Center for Rural Policy

CALPIRG

Campaign for Commercial-Free Childhood

Caney Fork Headwaters Association

Center for Democracy & Technology

Center for Digital Democracy

Center for Rural Strategies

Center for Science in the Public Interest

Chicago Consumer Coalition

Children Now

Common Sense Kids Action

Consumer Action

Consumer Assistance Council of Cape Cod and the Islands of Massachusetts

Consumer Federation of America

Consumer Federation of California

Consumer Watchdog

Cornucopia Network NJ/TN Chapter

Cumberland Countians for Ecojustice

Electronic Frontier Foundation

Free Press

Institute for Local Self-Reliance

Kentucky Equal Justice Center

Maryland Consumer Rights Coalition

Massachusetts Consumer Council

Maui County Community Television

Mountain Area Information Network  
National Association of Consumer Advocates  
National Consumer Law Center (on behalf of its low income clients)  
National Consumers League  
National Digital Inclusion Alliance  
National Hispanic Media Coalition  
Network for Environmental & Economic Responsibility of United Church of Christ  
North Carolina Consumers Council  
Oklahoma Policy Institute  
Open Library  
Open Technology Institute at New America  
Oregon Consumer League  
Privacy Rights Clearinghouse  
Privacy Times  
Public Citizen  
Public Health Advocacy Institute at Northeastern University School of Law  
Public Knowledge  
Rudd Center for Food Policy & Obesity, University of Connecticut  
Schools, Health & Libraries Broadband Coalition (SHLB Coalition)  
Southern California Tribal Digital Village  
Texas Legal Services Center  
U.S. PIRG  
United Church of Christ, OC Inc.  
World Privacy Forum  
X-Lab