

January 20, 2016

Tom Wheeler
Chairman
Federal Communications Commission
445 12th 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 Humboldt
Access Now
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