

July 14, 2010

Chairman Jon Leibowitz  
Federal Trade Commission  
600 Pennsylvania Ave., NW  
Washington, DC 20580

Dear Chairman Leibowitz:

We write to urge the Federal Trade Commission to build on its recent privacy roundtables to draft a comprehensive plan that both details the deficiencies in Americans' privacy rights, and proposes comprehensive statutory and regulatory solutions to those problems.

Privacy law in the United States is in disarray. Existing laws don't adequately address new business practices. Entire industries that traffic in the personal information of Americans have sprung up with little or no regulation. Under the guise of "self-regulation," companies routinely revise privacy policies so that they can do essentially whatever they wish with the data they collect. Meanwhile, public support for stronger privacy safeguards is growing as consumer protests continue to mount.

As you know, over the last year the FTC has hosted a series of roundtable discussions on privacy. Aimed at exploring "the privacy challenges posed by the vast array of 21st century technology and business practices that collect and use consumer data," these meetings have received input from industry, non-profit and consumer groups and the public. By dint of its expertise and through the input collected from these events, the Commission is now well positioned to issue a wide ranging report – one that addresses the complex and interconnected problems of data collection, offline and online. We urge the Commission to seize this opportunity. Specifically, we recommend that the Commission take the following steps:

- Propose a comprehensive privacy law that would give consumers meaningful safeguards and control of their personal information and promote innovation to achieve those aims;
- Set out specific regulations for the collection of information by the online advertising industry to help ensure that consumers have some meaningful control over their personal information;
- Identify specific new business practices, such as location-based targeting and digital signage, that raise possible privacy concerns and propose solutions that could be pursued; and
- Improve the agency's transparency so that the public is better able to understand the significance and effectiveness of the Commission's enforcement action.

Privacy is a complicated issue. It spans many industries and technologies and affects every American. U.S. law in this area is piecemeal, providing protections for personal information in one area but leaving similar information uncovered if it arises in another context. We believe a comprehensive overview of the problems and discussion of the potential solutions – similar to the recent Federal Communications Commission Broadband Plan – is the best way to begin to address these systemic problems. We urge the Commission to create a wide-ranging report and would be happy to assist the FTC in this effort in any way possible.

Sincerely,

ACLU, Benton Foundation, Center for Digital Democracy, Consumer Action, Consumer Federation of America, Consumers Union, Consumer Watchdog, Electronic Frontier Foundation, Electronic Privacy Information Center, Essential Information, National Consumers League, Privacy Lives, Privacy Rights Clearinghouse, Privacy Times, Public Citizen, US PIRG, World Privacy Forum

Cc: Commissioners Brill, Kovacic, Ramirez and Rosch