

October 24, 2016

Via Electronic Filing

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street NW
Washington, DC 20554

**Ex Parte: Protecting the Privacy of Customers of Broadband and Other
Telecommunications Services, WC Docket No. 16-106**

Dear Secretary Dortch:

The American Association of Advertising Agencies (“4A’s”), American Advertising Federation (“AAF”), Association of National Advertisers (“ANA”), Direct Marketing Association (“DMA”), Interactive Advertising Bureau (“IAB”), and Network Advertising Initiative (“NAI”) provide these comments to the Federal Communications Commission (“Commission” or “FCC”) on its proceeding related to the privacy of broadband customers. We are the leading trade associations for advertising and marketing industries, collectively representing more than 5,000 U.S. corporations across the full spectrum of businesses that participate in and shape today’s media landscape.

The undersigned parties file this ex parte letter pursuant to 47 C.F.R. § 1.1206(b)(2)(iv) in response to the ex parte notice filed by Free Press.¹ Free Press’s presentation incorrectly presumes that broadband Internet access service (“BIAS”) providers can operationalize the standard we proposed in our October 19, 2016, notice of ex parte only by examining the content of a communication. This is flatly wrong. As noted in our October 21, 2016, notice of ex parte, companies across the Internet, for decades, have used a combination of administrative and technical controls to limit the use of sensitive data for marketing and advertising purposes.² These practices were developed to comply with the Federal Trade Commission’s privacy framework and the self-regulatory program administered by the Digital Advertising Alliance as described in the letter dated October 19, 2016.³ An example of how companies could do this is by using trusted third parties that would remove the BIAS provider’s own identifiers and associate the web browsing and application use history information provided to them by the BIAS provider with alternative identifiers that the BIAS provider could not reverse, thereby ensuring that the data could not be later re-identified. These approaches help ensure that data is

¹ Free Press, *Free Press Litman Oct 20 ex parte notification FINAL* (Oct. 22, 2016) <https://ecfsapi.fcc.gov/file/102250608414/Free%20Press%20Litman%20Oct%2020%20ex%20parte%20notification%20FINAL.pdf>.

² Trade Associations, *October 20 Ex Parte Broadband Privacy* (Oct. 21, 2016) <https://ecfsapi.fcc.gov/file/1021676021319/October%2020%20Ex%20Parte%20Broadband%20Privacy.pdf>.

³ Trade Associations, *Trade Association Proposal Regarding Sensitive Information and Consent Standard* (Oct. 19, 2016) <https://ecfsapi.fcc.gov/file/10190452917503/Trade%20Association%20Proposal%20Regarding%20Sensitive%20Information%20and%20Consent%20Standard.pdf>.

accessible for the provision of beneficial services and advertising to consumers, while limiting the use of sensitive information. This and other examples cited in the record demonstrate approaches for operationalizing the requirements.

Adopting the approach described in our October 19, 2016, ex parte would help protect and fuel the Internet economy. Data-driven online commerce and advertising drive the growth of the Internet economy and deliver innovative tools and services embraced by consumers and businesses. The current online ecosystem subsidizes content and programming that consumers value, promotes innovation, and grows the economy.⁴ The continued health of this ecosystem depends on access to data. Restricting access to such data would adversely impact consumers. The undersigned associations are committed to responsible data practices, and support the adoption of the opt-out consent regime we proposed to preserve the value and innovation that data driven online advertising supports.

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We appreciate the opportunity to submit these comments, and we look forward to working with the FCC on this important issue.

Respectfully submitted,

American Advertising Federation
American Association of Advertising Agencies
Association of National Advertisers
Direct Marketing Association
Interactive Advertising Bureau
Network Advertising Initiative

CC: Stuart Ingis, Venable LLP
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⁴ A recent Zogby Analytics poll commissioned by the Digital Advertising Alliance (“DAA”) shows that consumers assign a value of almost \$1,200 a year to ad-supported online content. DAA, *Zogby Poll: Americans Say Free, Ad-Supported Online Services Worth \$1,200/Year; 85% Prefer Ad-Supported Internet to Paid*, PR Newswire (May 11, 2016 8:30 AM), <http://www.prnewswire.com/news-releases/zogby-poll--americans-say-free-ad-supported-online-services-worth-1200year-85-prefer-ad-supported-internet-to-paid-300266602.html>.