



OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

May 25, 2016

The Honorable Richard Blumenthal  
United States Senate  
706 Hart Senate Office Building  
Washington, DC 20510

Dear Senator Blumenthal:

Thank you for your letter supporting the Commission's work to adopt rules protecting the privacy of broadband customers' personal information.

As you know, I share your appreciation for the extraordinary economic and social benefits brought about by the availability of Internet access and the proliferation of connected devices. I also share your commitment to consumer privacy and your concern about the use and sharing of customer data by Internet service providers (ISPs), in light of the position they occupy as gatekeepers between their customers and the Internet. Once a consumer subscribes to an ISP, it is difficult to change providers or avoid that network. Further, an ISP handles *all* of a consumer's network traffic, allowing a broadband provider a broad view of all of its customer's unencrypted online activity and, even if data is encrypted, a broadband provider has the ability to piece together significant amounts of information about its customers based on their online activity.

As you correctly pointed out, Congress gave the Commission special responsibilities to safeguard consumer privacy in their use of communications networks. I am proud of the Commission's long history of steadfastly protecting consumers against misuse of their information by requiring that networks obtain their customers' approval before repurposing or reselling customer information. Protecting the privacy of Americans makes just as much sense in the world of broadband as it has for the past 20 years in the world of telephone calls, especially following the Commission's reclassification of broadband Internet access service (BIAS) in the *2015 Open Internet Order*.

I am pleased to report that the broadband privacy Notice of Proposed Rulemaking (NPRM), adopted by the Commission in late March, sets forth a path forward towards final rules that will provide clear guidance to ISPs and their customers about how the privacy requirements of Section 222 apply to BIAS providers. When designing the NPRM, we considered your valuable input and that of ISPs, public interest groups, and other stakeholders.

The Commission's proposal is built on the same principles that you highlighted in your letter – transparency, choice and security. Under the Commission's proposal, consumers would have the right to exercise control over what personal data their broadband provider uses and

under what circumstances it shares consumers' personal information with third parties or affiliated companies. Consumers would also know what information is being collected about them and how it is being used, with this information provided in an easily understandable and accessible manner. And, if a broadband provider is collecting and storing information about its customers, it will have a responsibility to make sure that information is secure as well as notify consumers about data breaches.

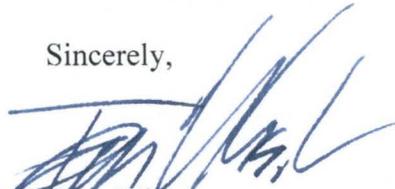
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Thank you again for reaching out to me with your perspectives. I have asked that your letter be added to the record of the rulemaking proceeding, so that it can be considered as part of the public record that informs the next steps in the Commission's broadband privacy rulemaking of the Commission.

Please do not hesitate to contact me if I can be of further assistance.

Sincerely,



Tom Wheeler



OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

May 25, 2016

The Honorable Cory Booker  
United States Senate  
359 Dirksen Senate Office Building  
Washington, DC 20510

Dear Senator Booker:

Thank you for your letter supporting the Commission's work to adopt rules protecting the privacy of broadband customers' personal information.

As you know, I share your appreciation for the extraordinary economic and social benefits brought about by the availability of Internet access and the proliferation of connected devices. I also share your commitment to consumer privacy and your concern about the use and sharing of customer data by Internet service providers (ISPs), in light of the position they occupy as gatekeepers between their customers and the Internet. Once a consumer subscribes to an ISP, it is difficult to change providers or avoid that network. Further, an ISP handles *all* of a consumer's network traffic, allowing a broadband provider a broad view of all of its customer's unencrypted online activity and, even if data is encrypted, a broadband provider has the ability to piece together significant amounts of information about its customers based on their online activity.

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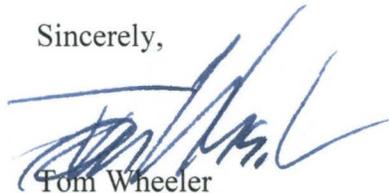
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Please do not hesitate to contact me if I can be of further assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tom Wheeler", is written over a printed name.

Tom Wheeler



OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

May 25, 2016

The Honorable Al Franken  
United States Senate  
309 Hart Senate Office Building  
Washington, DC 20510

Dear Senator Franken:

Thank you for your letter supporting the Commission's work to adopt rules protecting the privacy of broadband customers' personal information.

As you know, I share your appreciation for the extraordinary economic and social benefits brought about by the availability of Internet access and the proliferation of connected devices. I also share your commitment to consumer privacy and your concern about the use and sharing of customer data by Internet service providers (ISPs), in light of the position they occupy as gatekeepers between their customers and the Internet. Once a consumer subscribes to an ISP, it is difficult to change providers or avoid that network. Further, an ISP handles *all* of a consumer's network traffic, allowing a broadband provider a broad view of all of its customer's unencrypted online activity and, even if data is encrypted, a broadband provider has the ability to piece together significant amounts of information about its customers based on their online activity.

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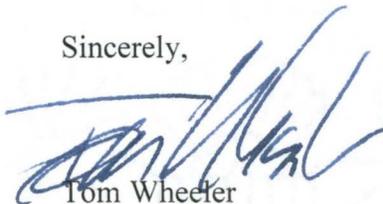
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Sincerely,



Tom Wheeler



FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

May 25, 2016

The Honorable Patrick J. Leahy  
United States Senate  
437 Russell Senate Office Building  
Washington, DC 20510

Dear Senator Leahy:

Thank you for your letter supporting the Commission's work to adopt rules protecting the privacy of broadband customers' personal information.

As you know, I share your appreciation for the extraordinary economic and social benefits brought about by the availability of Internet access and the proliferation of connected devices. I also share your commitment to consumer privacy and your concern about the use and sharing of customer data by Internet service providers (ISPs), in light of the position they occupy as gatekeepers between their customers and the Internet. Once a consumer subscribes to an ISP, it is difficult to change providers or avoid that network. Further, an ISP handles *all* of a consumer's network traffic, allowing a broadband provider a broad view of all of its customer's unencrypted online activity and, even if data is encrypted, a broadband provider has the ability to piece together significant amounts of information about its customers based on their online activity.

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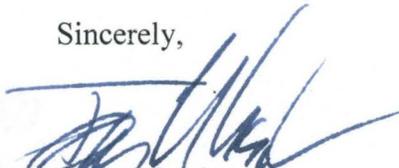
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Sincerely,



Tom Wheeler



OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

May 25, 2016

The Honorable Edward J. Markey  
United States Senate  
255 Dirksen Senate Office Building  
Washington, DC 20510

Dear Senator Markey:

Thank you for your letter supporting the Commission's work to adopt rules protecting the privacy of broadband customers' personal information.

As you know, I share your appreciation for the extraordinary economic and social benefits brought about by the availability of Internet access and the proliferation of connected devices. I also share your commitment to consumer privacy and your concern about the use and sharing of customer data by Internet service providers (ISPs), in light of the position they occupy as gatekeepers between their customers and the Internet. Once a consumer subscribes to an ISP, it is difficult to change providers or avoid that network. Further, an ISP handles *all* of a consumer's network traffic, allowing a broadband provider a broad view of all of its customer's unencrypted online activity and, even if data is encrypted, a broadband provider has the ability to piece together significant amounts of information about its customers based on their online activity.

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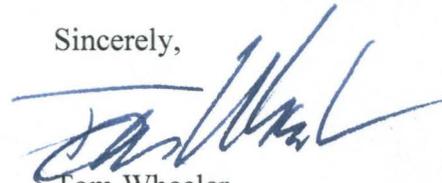
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Sincerely,



Tom Wheeler



OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

May 25, 2016

The Honorable Jeff Merkley  
United States Senate  
313 Hart Senate Office Building  
Washington, DC 20510

Dear Senator Merkley:

Thank you for your letter supporting the Commission's work to adopt rules protecting the privacy of broadband customers' personal information.

As you know, I share your appreciation for the extraordinary economic and social benefits brought about by the availability of Internet access and the proliferation of connected devices. I also share your commitment to consumer privacy and your concern about the use and sharing of customer data by Internet service providers (ISPs), in light of the position they occupy as gatekeepers between their customers and the Internet. Once a consumer subscribes to an ISP, it is difficult to change providers or avoid that network. Further, an ISP handles *all* of a consumer's network traffic, allowing a broadband provider a broad view of all of its customer's unencrypted online activity and, even if data is encrypted, a broadband provider has the ability to piece together significant amounts of information about its customers based on their online activity.

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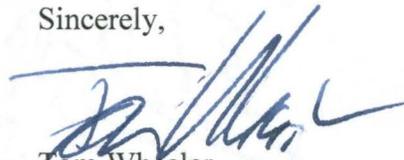
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Tom Wheeler



OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

May 25, 2016

The Honorable Bernard Sanders  
United States Senate  
332 Dirksen Senate Office Building  
Washington, DC 20510

Dear Senator Sanders:

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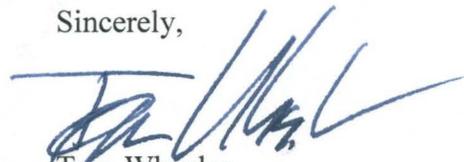
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Tom Wheeler



OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

May 25, 2016

The Honorable Elizabeth Warren  
United States Senate  
317 Hart Senate Office Building  
Washington, DC 20510

Dear Senator Warren:

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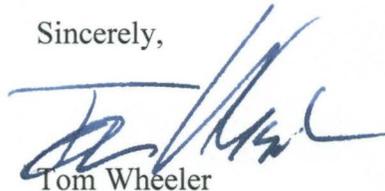
The NPRM proposes to allow ISPs to use and share customer data necessary to deliver broadband services, and for certain other purposes consistent with customer expectations, without additional consumer consent. Further, an ISP and its affiliates that offer communications-related services would be able to market other communications-related services to the ISP's customers unless a customer affirmatively opts out. However, under the proposed rules, other uses and sharing of consumer data would require the affirmative choice of a consumer to decide how his or her information should be used through affirmative "opt-in" consent from customers. The NPRM also seeks comment on alternative mechanisms for safeguarding consumer choice, such as requiring opt-in approval for sensitive information.

Additionally, similar to the suggestions in your letter, the Commission's proposal defines the information that would be protected under section 222 as customer proprietary information ("customer PI"). Included therein are "customer proprietary network information (CPNI)" as established by section 222(c); and personally identifiable information (PII) collected by the broadband providers through their provision of BIAS, as included within the proprietary information protected by section 222(a). The proposal also seeks public comment on whether the Commission's existing complaint resolution process is sufficient to address customer complaints with respect to the collection, use, and disclosure of customer information covered by the proposed rules or if BIAS providers currently do or should provide other dispute resolution mechanisms.

Thank you again for reaching out to me with your perspectives. I have asked that your letter be added to the record of the rulemaking proceeding, so that it can be considered as part of the public record that informs the next steps in the Commission's broadband privacy rulemaking of the Commission.

Please do not hesitate to contact me if I can be of further assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tom Wheeler", is written over a horizontal line.

Tom Wheeler



OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

May 25, 2016

The Honorable Ron Wyden  
United States Senate  
221 Dirksen Senate Office Building  
Washington, DC 20510

Dear Senator Wyden:

Thank you for your letter supporting the Commission's work to adopt rules protecting the privacy of broadband customers' personal information.

As you know, I share your appreciation for the extraordinary economic and social benefits brought about by the availability of Internet access and the proliferation of connected devices. I also share your commitment to consumer privacy and your concern about the use and sharing of customer data by Internet service providers (ISPs), in light of the position they occupy as gatekeepers between their customers and the Internet. Once a consumer subscribes to an ISP, it is difficult to change providers or avoid that network. Further, an ISP handles *all* of a consumer's network traffic, allowing a broadband provider a broad view of all of its customer's unencrypted online activity and, even if data is encrypted, a broadband provider has the ability to piece together significant amounts of information about its customers based on their online activity.

As you correctly pointed out, Congress gave the Commission special responsibilities to safeguard consumer privacy in their use of communications networks. I am proud of the Commission's long history of steadfastly protecting consumers against misuse of their information by requiring that networks obtain their customers' approval before repurposing or reselling customer information. Protecting the privacy of Americans makes just as much sense in the world of broadband as it has for the past 20 years in the world of telephone calls, especially following the Commission's reclassification of broadband Internet access service (BIAS) in the *2015 Open Internet Order*.

I am pleased to report that the broadband privacy Notice of Proposed Rulemaking (NPRM), adopted by the Commission in late March, sets forth a path forward towards final rules that will provide clear guidance to ISPs and their customers about how the privacy requirements of Section 222 apply to BIAS providers. When designing the NPRM, we considered your valuable input and that of ISPs, public interest groups, and other stakeholders.

The Commission's proposal is built on the same principles that you highlighted in your letter – transparency, choice and security. Under the Commission's proposal, consumers would have the right to exercise control over what personal data their broadband provider uses and

under what circumstances it shares consumers' personal information with third parties or affiliated companies. Consumers would also know what information is being collected about them and how it is being used, with this information provided in an easily understandable and accessible manner. And, if a broadband provider is collecting and storing information about its customers, it will have a responsibility to make sure that information is secure as well as notify consumers about data breaches.

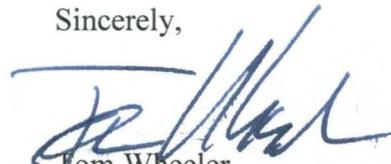
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Tom Wheeler