



March 15, 2016

The Honorable Tom Wheeler
Chairman
Federal Communications Commission
445 12th St. SW
Washington, D.C. 20554

Re: Broadband Privacy Rulemaking

Dear Chairman Wheeler:

The Schools, Health & Libraries Broadband (SHLB) Coalition writes in support of opening a proceeding to explore how best to protect the privacy of consumers using broadband connections at community anchor institutions. Broadband connectivity has become an essential service for all consumers, and information about these broadband users can be both valuable to broadband providers and troubling to consumers. Consumers use broadband connections to transmit personally-sensitive information about job searches, medical conditions, government benefits, and commercial transactions. It is extremely important that users understand what information will or will not be protected from disclosure.

These privacy concerns are particularly complex at our nation's anchor institutions – schools, libraries, health clinics, community media, public safety and other public community organizations. The users of broadband connections at these institutions may not have any control over how information of their use of the Internet is or is not shared because these decisions are made by the anchor institution rather than the individual user. Anchor institutions may or may not be able to incorporate privacy policies in the RFP and the contract with the broadband provider. If the commercial carrier charges a higher price for services with privacy protections, the anchor institution may have an incentive to purchase the level of service without such protections (particularly if they are operating in the E-rate program, which requires that price be the highest weighted factor in choosing a broadband provider). In some cases, the anchor institution will be able to negotiate privacy protections with the commercial provider. In cases where there is little or no competition, however, the anchor institution may not be in the best bargaining position to obtain such privacy controls.

The status of consumers' privacy over anchor institution broadband connections is even more uncertain with the FCC's decision to classify broadband service providers as common carriers. This decision appears to lessen the role of the Federal Trade Commission in protecting consumer privacy because of the "common carrier exception" in the statutory language regarding the FTC's jurisdiction. Greater clarity from the FCC will help to remove uncertainty in this critically-important area.

For all these reasons, we believe it is appropriate for the FCC to open a proceeding to explore the privacy implications of use of broadband networks by individuals who are not the direct purchaser of the service. Ensuring that there are adequate protections regarding the use of personally-sensitive information can help stimulate broadband adoption and address the “Digital Divide.”

Sincerely,

A handwritten signature in black ink that reads "John Windhausen, Jr." The signature is written in a cursive style with a large initial 'J' and a distinct 'r' at the end.

John Windhausen, Jr.
Executive Director
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