

## **QUESTIONS FOR COMMENT ON PROPOSED FRAMEWORK**

### **Scope**

- Are there practical considerations that support excluding certain types of companies or businesses from the framework – for example, businesses that collect, maintain, or use a limited amount of non-sensitive consumer data?
- Is it feasible for the framework to apply to data that can be “reasonably linked to a specific consumer, computer, or other device”?
- How should the framework apply to data that, while not currently considered “linkable,” may become so in the future?
- If it is not feasible for the framework to apply to data that can be “reasonably linked to a specific consumer, computer, or other device,” what alternatives exist?
- Are there reliable methods for determining whether a particular data set is “linkable” or may become “linkable”?
- What technical measures exist to “anonymize” data and are any industry norms emerging in this area?

### **Companies should promote consumer privacy throughout their organizations and at every stage of the development of their products and services**

#### **Incorporate substantive privacy protections**

- Are there substantive protections, in addition to those set forth in Section V(B)(1) of the report, that companies should provide and how should the costs and benefits of such protections be balanced?
- Should the concept of “specific business purpose” or “need” be defined further and, if so, how?
- Is there a way to prescribe a reasonable retention period?
- Should the retention period depend upon the type or the sensitivity of the data at issue? For example, does the value of information used for behavioral advertising decrease so quickly that retention periods for such data can be quite short?
- How should the substantive principles set forth in Section V(B)(1) of the report apply to companies with legacy data systems?



- Should marketing to consumers by commonly-branded affiliates be considered first-party

- What additional consumer protection measures, such as enhanced consent or heightened restrictions, are appropriate for the use of deep packet inspection?
- What (if any) special issues does the collection or the use of information about teens raise?

allows consumers more granular control over the types of advertising they want to receive and the type of data they are willing to have collected about them?

### **Material changes**

- What types of changes do companies make to their policies and practices and what types of changes do they regard as material?
- What is the appropriate level of transparency and consent for prospective changes to data-handling practices?

### **Consumer education**

- How can individual businesses, industry associations, consumer groups, and government do a better job of informing consumers about privacy?
- What role should government and industry associations have in educating businesses?