

W3C Meeting
April 11, 2012
Commissioner Brill
Opening Remarks

Good morning. It's great to be here. Thank you, Aleecia and Matthias for inviting me to spend some time with you. And thanks very much to Frank, JC, Amy and of course Brad Smith of Microsoft for hosting us here today.

As you all know, just a couple of weeks ago the FTC issued our Final Privacy Report, where we laid out our final privacy framework as one of the cornerstones of our report. Not just choice, but simplified choice that doesn't hinge on a privacy policy that, if printed out, would use more toner cartridge.

That's where you all come in—working together to make Do Not Track a simple, yet elegant solution.

A solution that “bakes in” privacy protections providing understandable and consistent choices for consumers.

The work that you all are engaged in at this W3C meeting this week is critically important to making this a reality.

Since the agency's initial December 2010 preliminary report for Do Not Track mechanisms and for privacy to be “baked into” products and services, we have seen considerable industry activity. While reviewing your brief, so far we have come with respect to Do Not Track, if for nothing else, to put the few remaining open issues - albeit important issues - into perspective.

After our initial call for industry to step up to the plate, Microsoft, Mozilla and Apple developed browsers that permit consumers to opt out of members of the advertising and data collection ecosystem not to track activities across websites. Yahoo! announced two weeks ago that it would be rolling out in the coming weeks a Do Not Track tool for consumers to use across its platforms.

The challenges of providing clear, consistent and understandable choices are that much greater in the mobile space, due to the “prevalent” “real estate”. But even here

¹ Protecting Consumer Privacy in an Era of Rapid Change: Recommendations for Businesses and Policymakers, FTC Report (Mar. 26, 2012), available at <http://www.ftc.gov/os/2012/03/120326privacyreport.pdf>

² Peter Sayer,

solutions are possible, and have been developed. Recently, Mozilla has also introduced a mobile browser for Android devices that enables Do Not Track.

And the DAA has more fully developed its Ad program. At an event at the White House in February, the DAA com

DAA's commitment demonstrates that businesses and industry groups, across the ecosystem, can embrace the concept of collection minimization as well.

I understand that you already did a deal of good work yesterday. You have reviewed several important proposals and key issues remaining include definitions of first party vs. third party, and a discussion of the permitted use exceptions.

The Commission's Final Report will address the issue of first vs. third party to a certain extent. We have indicated that, as far as affiliates are concerned, "a consumer choice mechanism is necessary unless the affiliation is clear to consumers. Common branding is one way of making the affiliation clear to consumers."

But this is a negotiation - a multi-stakeholder process - and everybody isn't going to get everything they want. At the end of the day, what we're all looking for is an outcome that the broadest set of stakeholders can live with.

There is no question that your remaining issues are the hard ones. And there is no question that they are equally important. We're hoping your discussions over the next two days you will choose to be guided by the principles we lay out in the FTC's final report.

So please remember that, as you roll up your sleeves and dive into your last few remaining issues, your efforts are critically important. If you are successful, you will help secure a trusted online environment that could bring meaningful and long-term benefits for both businesses and consumers.

Thank you.