



October 3, 2016

Via Electronic Filing

Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street SW
Washington, DC 20554

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

Dear Ms. Dortch:

Google is committed to maintaining a flourishing Internet economy that protects consumers' privacy and security. A healthy Internet depends on safeguarding consumers' trust and meeting their expectations. The time-tested privacy approach of the Federal Trade Commission (FTC) has worked well in establishing this framework and we urge the Federal Communications Commission to use it as a basis for whatever privacy rules it adopts for Internet service providers.

The FTC's framework and the Administration's 2012 Consumer Privacy Bill of Rights recognize that the sensitivity of Internet communications, and the degree of protection consumers expect, depend on the nature of the information being conveyed. Specifically, opt-in consent is appropriate for the sharing of sensitive data (health, financial, and children's information, social security numbers, precise geolocation data, and content of consumer communications) with third parties, whereas opt-out or implied consent is appropriate for other uses of customer data. This model is familiar to consumers, has worked well for them for many years, and contributed to today's thriving, innovative, and free Internet.

Calls by some parties in this proceeding to extend an opt-in consent requirement to all web browsing information are unjustified. The FTC's framework recognizes that while U.S. consumers consider healthcare or financial transactions, for example, to be sensitive information that should receive special protection, they do not have the same expectations when they shop or get a weather forecast online. Thus, although Google and other companies take strong measures to avoid using sensitive data for purposes like targeting ads, consumers benefit from responsible online advertising, individualized content, and product improvements based on browsing information. The FCC's framework should allow such differentiation based on the nature of web browsing information, regardless of the company collecting the data.

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This Commission should reflect in any new privacy rules for Internet service providers the same balance that the FTC successfully strikes in its framework. The FCC should not attempt to draw a categorical distinction between web browsing information and other information—particularly where such a novel and untested approach would unnecessarily increase regulatory burdens on the Internet.

Sincerely,



Austin C. Schlick
Director, Communications Law
Google Inc.