

September 15, 2016

Chairman Tom Wheeler  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

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

Dear Chairman Wheeler:

As organizations dedicated to fighting for civil rights and racial justice, we write in support of the Federal Communications Commission effort to promulgate strong broadband privacy rules.

Throughout our nation's history, the privacy rights of communities of color have too often gone unprotected. Information about our communities has been used to target, exploit and harm the people who live in them.

As the DC Circuit court of appeals recently affirmed, broadband ISPs are common carriers under Title II of the Communications Act. Like telephone providers, broadband providers have particular responsibilities as the carriers of our communications – including protecting our privacy.

We believe broadband subscribers should have the right to choose how their personal information is treated by such broadband providers. Under the law, these companies are required to obtain affirmative consent from their subscribers before selling their private data or marketing to them on the basis of this information.

We urge the Commission to adopt a strong “opt-in” consent framework that prevents ISPs from sharing, using or even collecting information outside of what is necessary to provide broadband service. And the burden of protecting the data they do collect must rest with the ISPs.

It is alarming how much information broadband providers can collect about their subscribers. ISPs know where their customers live as well as their personal financial information. They can also monitor the content that users access on the internet when that content is unencrypted – and even when it is encrypted or otherwise shielded in part, ISPs can still glean tremendous amounts of data from it. Their tracking and cataloging of our lives is so invasive that it could allow them to determine – and then profit from – private information on subscribers' race, religion, health, income, employment status, and political views.

ISPs have made it clear that they want to exploit and sell this information. This sensitive data is then used by the brokers who purchase it behind the scenes to determine what kind of product advertisements consumers see online, the interest rates they are offered, and even what kind of jobs they get. Practices like this are equivalent to other forms of redlining, which were exposed and outlawed due to their discriminatory intent and impacts on the poor and communities of color.

The FCC should also take this opportunity to ban so called “pay for privacy” schemes. The potential harms and discriminatory implications of such practices are obvious. For struggling households of color, paying more to protect their personal information could mean they’re unable to afford other critical daily essentials. Privacy should not be a luxury for only the rich and privileged.

For these reasons we urge the Commission to put in place the strongest possible privacy rules.

Sincerely,

18MillionRising.org  
Center for Media Justice  
ColorOfChange.org  
Free Press  
May First/People Link  
National Hispanic Media Coalition  
Presente.org