



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

March 7, 2017

The Honorable Richard Blumenthal
United States Senate
706 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Blumenthal:

Thank you for your letter concerning the Commission's decision to partially grant, on an interim basis, the petition submitted by nine trade associations¹ for a stay of the *2016 Privacy Order*.² The stay issued by the Commission pertained only to the data security requirement and will remain in effect only until the FCC is able to rule on pending petitions for reconsideration. The reasons set forth below explain the Commission's action.

I am committed to protecting the online privacy of American consumers—a uniform expectation they rightfully have when they access the Internet. My view is that there should be a comprehensive and consistent framework for protecting digital privacy. There should not be one standard for Internet service providers and another for other online companies. The government should not treat one set of companies differently than others. Unfortunately, the prior FCC stripped the Federal Trade Commission (FTC) of its jurisdiction over Internet service providers' privacy practices, creating a disjointed online privacy framework that disregards consumers' uniform expectation of privacy and tilts the regulatory playing field.

American consumers should not have to be lawyers or engineers to figure out if their information is protected. And such protection should not vary depending on the regulatory classification of the Internet-related company that holds it. In a joint statement I released with the FTC Acting Chairman, Maureen Ohlhausen, we explained that jurisdiction over Internet service providers' privacy and data security practices should be returned to the FTC so that all entities in the online space can be subject to the same rules. But until that happens, my hope is that the FCC and the FTC will work together to establish a simple, unified framework that protects all consumers.

The data security requirement adopted by the Commission was not consistent with the FTC's standards. Accordingly, in order to provide an opportunity to harmonize the Commission's rules for Internet service providers with the FTC's existing standards, we granted

¹ See Joint Petition of American Cable Association et al. for Stay, WC Docket No. 16-106 (Jan. 27, 2017), <https://ecfsapi.fcc.gov/file/101270254521574/012717%20Petition%20for%20Stay.pdf>.

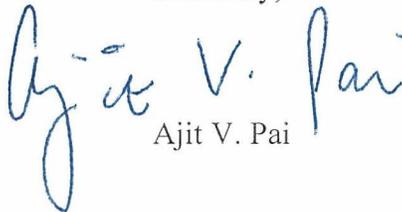
² *Protecting the Privacy of Customers of Broadband and Other Telecommunications Services*, WC Docket No. 16-106, Report and Order, 31 FCC Rcd 13911 (2016).

a narrow stay of the data security rule before it could take effect on March 2. The stay will remain in place until the FCC is able to rule on the pending petitions for reconsideration of the privacy rules. The stay is thus simply a necessary stopgap measure as we work toward a unified online privacy system.

It is important to note that the stay will maintain the status quo that has been in place for nearly two years with respect to Internet service providers. Consumers will not suddenly be at greater risk. Moreover, Internet service providers have been—and will continue to be—obligated to comply with Section 222 of the Communications Act and other applicable federal and state privacy, data security, and breach notification laws.

I appreciate your interest in this matter and I look forward to working with you as we pursue the goal of protecting consumers. Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in blue ink that reads "Ajit V. Pai". The signature is written in a cursive style with a large, looped initial "A".

Ajit V. Pai



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

March 7, 2017

The Honorable Al Franken
United States Senate
309 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Franken:

Thank you for your letter concerning the Commission's decision to partially grant, on an interim basis, the petition submitted by nine trade associations¹ for a stay of the *2016 Privacy Order*.² The stay issued by the Commission pertained only to the data security requirement and will remain in effect only until the FCC is able to rule on pending petitions for reconsideration. The reasons set forth below explain the Commission's action.

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WASHINGTON

March 7, 2017

The Honorable Edward J. Markey
United States Senate
255 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Markey:

Thank you for your letter concerning the Commission's decision to partially grant, on an interim basis, the petition submitted by nine trade associations¹ for a stay of the *2016 Privacy Order*.² The stay issued by the Commission pertained only to the data security requirement and will remain in effect only until the FCC is able to rule on pending petitions for reconsideration. The reasons set forth below explain the Commission's action.

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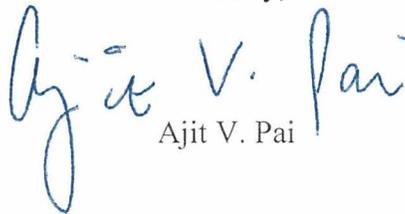
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WASHINGTON

March 7, 2017

The Honorable Elizabeth Warren
United States Senate
317 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Warren:

Thank you for your letter concerning the Commission's decision to partially grant, on an interim basis, the petition submitted by nine trade associations¹ for a stay of the *2016 Privacy Order*.² The stay issued by the Commission pertained only to the data security requirement and will remain in effect only until the FCC is able to rule on pending petitions for reconsideration. The reasons set forth below explain the Commission's action.

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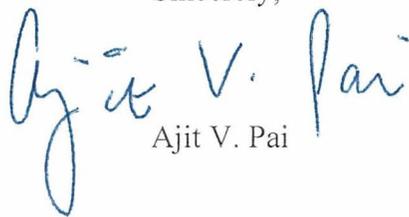
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