

**STATEMENT OF
COMMISSIONER MIGNON CLYBURN**

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

This morning for me was as typical as the last. Before opening my eyes, I reached for my Smartphone; I confirmed the weather so I knew just what to wear, checked the news in my home state and locally to see what happened while I slept, looked at my social media account to follow the trends; responded to emails and texts, and, yes, engaged in some light ecommerce because I have not a thing to wear for next month's Correspondence Dinner. My smartphone engagement did not end with my drive to work, as my Internet service provider (ISP) can confirm. From that first reach of day to that last action where I failed to log off, my ISP knows which websites I visited (and, if not encrypted, the content I visited on each website), how long I was on each website, and when I was in my house versus my car versus this office. This is a treasure trove of information that is not only very personal to me but is also very valuable to marketers and retailers.

As a consumer of these services, I want the ability to determine when and how my ISP uses my personal information, and I am not alone. According to a Pew Research survey, 93 percent of consumers say that being in control of who can access information about them is important, 90 percent say that controlling what information is collected about them is important and 88 percent believe it is important that they not have someone watch or listen to them without their permission.

So today's Notice of Proposed Rulemaking is both timely and relevant. It seeks comment on proposals that would allow consumers to be in control of their information, and ensure transparency, consumer choice, data breach notifications and safeguards for security. The proposals will still allow ISPs to continue to track and collect information provided the consumer is informed in a transparent way and, in most cases, after the consumer gives either opt-in- or opt-out consent. It also seeks comment on all other proposals industry and groups have submitted to the FCC. Just about everything is on the table and each and every one of you has the opportunity to make your case about the best path forward. I will listen and commit to maintaining an open mind as we approach final rules and an order.

Much has been said about today's action, but the fact is that this is not "new" territory for the Commission. This Notice builds on decades of precedent and the FCC's explicit statutory authority to ensure that network providers protect proprietary information and give consumers the power of choice. And, if I were to think back to my actions earlier this morning and compare them to what my 1990s telephone provider knew about me versus the information collected by my ISP today, let me just say that there is absolutely no comparison. My 1990s provider would only know when my day got off to a start if I dialed someone or was called, and could then identify the other person's number and the length of the call. And, still, Congress believed it was appropriate to create a separate statutory provision to create a duty for carriers to protect the confidentiality of that information.

So yes, today I am proud to stand on the side of the 90 percent of consumers who want the ability to control what happens with their very personal and private information. Times have changed and we need to ensure our rules are updated to reflect these technological transformations.

I want to thank the team of the Wireline Competition Bureau and the Office of General Counsel for their expertise and dedication as reflected in this item.