

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of )  
)  
Protecting the Privacy of Customers of ) WC Docket No. 16-106  
Broadband and Other Telecommunications )  
Services )

**COMMENTS  
OF  
PRIVACY SCHOLARS AND ACADEMICS  
Submitted: July 6, 2016**

We the undersigned privacy scholars support the proposal of the Federal Communications Commission to apply and adapt the Communications Act’s Title II consumer protection provisions to broadband internet access services. We commend the Commission’s much-needed efforts to carry out its statutory obligation and to protect the privacy of broadband internet access customers.

We agree with the Commission’s proposal and affirm the importance of giving consumers effective notice and control over their personal information by strengthening consumer choice, transparency and data security. In particular, we support the Commission’s proposal to require affirmative consent (opt-in) for use and sharing of customer data for purposes unrelated to providing communications services.

As scholars who have studied, researched, taught, and thought about privacy in depth from a variety of perspectives, we believe it is important that Americans have their privacy protected as they access, use and reap the benefits of the internet, the most fundamental communications network of our times. Privacy is a core human need, and citizens should be able to access the internet without the fear of being watched or of having their data analyzed or shared in unexpected ways. Privacy protections are a vital part of life for free citizens in a democratic society, and make society as a whole more vibrant, equitable and just. There are many ways our privacy is under assault in our age of fast-moving technology, which makes it all the more important that we protect that privacy in our bedrock communications system.

We welcome innovation and technological progress but do not believe in the necessity to advance them at the expense of privacy. Our fundamental right to privacy should not be sold off for short-term gains, and thus we urge the Commission to adopt its proposed rule, which would significantly advance privacy online.

Jody Blanke  
Ernest L. Baskin, Jr. Distinguished Professor of Computer Information Systems and Law  
Stetson School of Business & Economics  
Mercer University

Julie E. Cohen  
Mark Claster Mamolen Professor of Law & Technology  
Georgetown University Law Center

Susan Freiwald  
Professor of Law  
University of San Francisco School of Law

Stephen E. Henderson  
Judge Haskell A. Holloman Professor of Law  
The University of Oklahoma College of Law

Chris Jay Hoofnagle  
Adjunct Professor  
University of California, Berkeley, School of Information & School of Law

Anne Klinefelter  
Associate Professor of Law  
Director of the Law Library  
University of North Carolina

Aleecia M. McDonald  
Non-resident fellow  
Stanford Center for Internet & Society

Bryce Clayton Newell, J.D., Ph.D.  
Post-Doctoral Researcher  
Tilburg Institute for Law, Technology, and Society (TILT)  
Tilburg University, Faculty of Law

Jon M. Peha  
Professor  
Dept. of Engineering & Public Policy and the Dept. of Electrical & Computer Engineering  
Carnegie Mellon University

Neil Richards  
Professor of Law  
Washington University School of Law

Adina Schwartz

Professor  
Department of Law, Police Science and Criminal Justice Administration  
John Jay College of Criminal Justice, CUNY

Katie Shilton  
Associate Professor  
College of Information Studies  
University of Maryland, College Park

Robert H. Sloan  
Professor and Head  
Dept. of Computer Science  
University of Illinois at Chicago

Richard Warner  
Professor and Freehling Scholar  
Faculty Director, Center for Law and Computers  
Chicago-Kent College of Law  
Visiting Foreign Professor, University of Gdańsk  
Director, School of American Law

Michael Zimmer, PhD  
Associate Professor, School of Information Studies  
Director, Center for Information Policy Research  
University of Wisconsin-Milwaukee