

19 March 2012

Ms. Viviane Reding, Vice-President of the European Commission  
Ms. Francoise Le Bail, Director General for Justice, European Commission  
Mr. Peter Hustinx, European Data Protection Supervisor  
Mr. Jacob Kohnstamm, Chairman of the Article 29 Working Party and the Dutch DPA  
Mr. Paul Nemitz, Director, DG Justice, European Commission  
Mr. John Bryson, U.S. Secretary of Commerce  
Rep. Edward Markey, Co-Chair, Congressional Privacy Caucus  
Mr. Jon Leibowitz, Chairman, FTC  
Ms. Julie Brill, Commissioner, FTC  
Mr. Daniel Weitzner, Deputy Chief Technology Officer for Internet Policy, White House

Dear E.U. and U.S. Policymakers in the Field of Data Protection and Privacy:

We write to you on behalf of the leading consumer and civil liberties groups in Europe, North America, and around the world. We represent millions of Internet users, consumers of new products and services in the digital world.

We welcome today's important conference on "Privacy and Protection of Personal Data," sponsored by the European Commission. Consumer, privacy, and civil liberties groups in the European Union and the United States respectfully make the following observations and comments.

We support President Obama's new "Consumer Privacy Bill of Rights" (CPBR), designed to protect the privacy and welfare of consumers online. The President's 23 February 2012 statement acknowledging the importance of ensuring that the country's "timeless privacy values" apply in today's era indicates a substantial commitment to move forward meaningful legislation. We are also pleased that the U.S. Federal Trade Commission, through recent consent decrees, has acted to address privacy concerns arising from the business practices of both Google and Facebook.

The United States' renewed commitment to privacy protection, along with the European Union's longstanding leadership in this area, reflect a promising bilateral concurrence that will help protect the public in the digital era. U.S. and E.U. cooperation in ensuring the fundamental freedoms of its citizens is essential for consumer welfare, economic growth, and innovation.

We urge U.S. policymakers to seek congressional enactment of the CPBR, clearly establishing that these rights will be protected in law. In the absence of legislation, the U.S. cannot offer the E.U. any assurance that there will be adequate protection for the personal data stored or used by U.S. companies. The FTC should also act to ensure that its consent decrees are enforced, and it should conduct vigorous oversight of the U.S. data collection industry. A reluctance to enforce the recent consent decrees will call into question the commitment of the FTC to safeguard consumer privacy.

We also urge that the U.S. ratify the International Privacy Convention. The Council of Europe Convention is a widely recognized global instrument for the protection of fundamental rights, adopted by more than 40 countries. As the United States previously urged other countries to adopt the COE Cybercrime Convention, the United States should now ratify the COE Privacy Convention.

We support the efforts of the E.U. to update and strengthen its data protection framework, including its reaffirmation that privacy is a fundamental human right. We urge the E.U. to encourage the U.S. to expeditiously enact a legal framework and also engage in effective enforcement. The E.U. should reiterate that effective U.S. safeguards are necessary to ensure the growth of Trans Atlantic e-commerce.

We ask that both the E.U. and U.S. address the growing threats to privacy arising from the expansion of data collection practices in online advertising. The increasing consolidation of the Internet industry enables a few large entities to accumulate vast amounts of individual data. Concerns about privacy also reflect the increasing lack of competition, as leading commercial entities are able to use their dominant position and detailed knowledge of users to undermine competition and discourage innovation.

As the President of the United States has said about the need to move forward with a comprehensive approach to privacy protection, “we cannot wait.” That is also our view. We urge the conference participants to work together to ensure in law the protection of privacy, a fundamental right for all.

Respectfully submitted,

American Civil Liberties Union  
Bureau Européen des Unions de Consommateurs (BEUC)  
Center for Digital Democracy  
Center for Media and Democracy  
Consumer Action  
Consumer Federation of America  
Consumers International  
Consumer Watchdog  
Electronic Privacy Information Center  
Friends of Privacy USA  
Privacy International  
Privacy Rights Clearinghouse  
U.S. PIRG  
World Privacy Forum