



April 11, 2017

Honorable Jeff Morris
Chair, House Technology and Economic Development Committee
436A Legislative Building
PO Box 40600
Olympia, WA 98504

Honorable Shelley Kloba
Vice Chair, House Technology and Economic Development Committee
132A Legislative Building
PO Box 40600
Olympia, WA 98504

Honorable Gael Tarleton
Vice Chair, House Technology and Economic Development Committee
429A Legislative Building
PO Box 40600
Olympia, WA 98504

RE: Opposition to House Bill 2200, Restrictions on BIAS Providers

Dear Chair Morris and Vice Chairs Kloba and Tarleton:

On behalf of CTIA, the trade association for the wireless communications industry, we are writing to in strong opposition to House Bill 2200, related to restricting the way in which broadband Internet access service ("BIAS") providers do business in the state of Washington. The wireless industry takes a proactive and serious approach to protecting consumer privacy. Our members offer numerous privacy policies, which clearly describe to our customers how customer data will be protected. Current federal and state statutes provide an additional layer of protection for sensitive consumer information. In addition, the leading BIAS providers, including CTIA members, have all recently recommitted to principles that maintain privacy protections that are consistent with the FTC's effective privacy framework, covering transparency, consumer choice, security, and data breach notifications.¹

Recent Congressional actions did not change the privacy protections of our customers. The FCC's proposed rules had not yet taken effect, so nothing has changed from the regulatory framework that has existed for the past two years. Moreover, the framework advocated for by BIAS providers aligns with that of the Obama Administration, which noted that, "uniform

¹ "Protecting Consumer Privacy Online," <http://www.ctia.org/docs/default-source/default-document-library/final---protecting-consumer-privacy-online.pdf>, last accessed 4/10/2017.



consumer data privacy rules are necessary to create certainty for companies and consistent protections for consumers." The current FCC Chairman has also clearly stated that "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."²

House Bill 2200 imposes unjustified restrictions on BIAS providers and deviates from the privacy framework and standards that have been in place for decades. Indeed, the proposed language would make it very difficult for any BIAS providers to operate in Washington. The legislation is unnecessary, will create inconsistent privacy standards for different parts of the Internet ecosystem that will confuse consumers and would have a host of unintended consequences. Therefore, we strongly oppose House Bill 2200.

The wireless industry firmly believes that our customers deserve a wireless experience that is safe and secure. For this reason, amongst others, the wireless industry has set forth strong voluntary guidelines in, "CTIA's Consumer Code for Wireless Service."³ These principles, along with current technology-neutral regulation at the state and federal level, help protect our customers. This 12-point code, originally developed in 2003 and regularly updated, helps consumers make informed choices when selecting their wireless service. Specifically, Point 10, "Abide by Policies for Protection of Customer Privacy," affirms that each wireless carrier abides by a policy regarding the privacy of customer information in accordance with applicable federal and state laws, and makes available to the public its privacy policy concerning information collected online. The wireless industry recognizes the importance of customer's privacy, and we take strong measures to ensure our customer's data is secure and protected.

House Bill 2200 would essentially create two sets of "rules of the road" by laying the framework for new rules that are different for various entities of the Internet and wireless ecosystem, harming competition and leaving consumers uncertain of which rules apply to their data. Survey data submitted to the FCC last year showed that 94% of Internet users believe all companies touching their online data should follow the same privacy rules.⁴ These findings indicate that House Bill 2200, which targets only BIAS providers, would not effectively protect consumer privacy on the Internet because many other companies would continue to collect and use web browsing data without being subject to the consent requirement.

² Letter from FCC Chairman Ajit Pai to Sens. Markey, Blumenthal, Warren, Franken at http://transition.fcc.gov/Daily_Releases/Daily_Business/2017/db0317/DOC-343949A1.pdf, last accessed 4/10/2017.

³ CTIA Consumer Code for Wireless Service, <http://www.ctia.org/initiatives/voluntary-guidelines/consumer-code-for-wireless-service>, last accessed 4/10/2017.

⁴ The Progressive Policy Institute, "Consumers Want One Set of Rules Protecting Their Information," <http://www.progressivepolicy.org/press/press-releases/press-release-consumers-want-one-set-rules-protecting-information/>, last accessed 4/10/2017.



Furthermore, the concerns that BIAS providers, including CTIA members, have unique access to customer data online are unfounded. A comprehensive study by veteran Clinton and Obama Administration privacy expert Peter Swire showed that BIAS providers actually have limited insight into consumer activities and information online. This bill unnecessarily targets one set of providers - telecommunications providers and Internet service providers - and treats them differently than others in the Internet ecosystem.⁵

CTIA members are absolutely committed to protecting our customer's information as they depend on and value customer trust. Existing federal law and protections remain intact today rendering the legislation before you unnecessary. For the reasons described herein, we respectfully ask for your rejection of House Bill 2200.

Sincerely,

Bethanne Cooley
Director, State Legislative Affairs
CTIA

cc: Honorable Norma Smith, Ranking Minority Member
Honorable Richard DeBolt, Assistant Ranking Minority Member

⁵ "Online Privacy and ISPs: ISP Access to Consumer Data is Limited and Often Less than Access by Others," http://www.iisp.gatech.edu/sites/default/files/images/online_privacy_and_isps.pdf, Swire, Peter, last accessed 4/10/2017:

"ISP access to user data is not comprehensive – technological developments place substantial limits on ISPs' visibility. [And] ISP access to user data is not unique – other companies often have access to more information and a wider range of user information than ISPs."