

**Before the  
UNITED STATES DEPARTMENT OF COMMERCE  
NATIONAL TELECOMMUNICATIONS & INFORMATION ADMINISTRATION  
Washington, DC 20230**

In the Matter of	)	
	)	
Notice of Inquiry from the	)	Docket No. 100402174-0175-01
National Telecommunications and Information	)	Docket No. 100402174-0238-02
Administration (NTIA) Regarding:	)	
Information Privacy and Innovation in the	)	
Internet Economy	)	

**COMMENTS OF QWEST COMMUNICATIONS INTERNATIONAL INC.**

Qwest appreciates the NTIA's Notice of Inquiry<sup>1</sup> on this topic and provides these brief comments in response to it. As the principal advisor to the President on telecommunications issues, the NTIA is a critical participant in the ongoing dialogue about federal privacy policy. Indeed, it has a strong record in the formation of policy on privacy, including at the international level where it has participated in the formation of the Safe Harbor Principles with the European Union. And it is uniquely suited to strike the right balance between the interests of consumers, who unquestionably deserve protection regarding the use of information about them, and the needs of businesses in the information economy to cost effectively respond to consumers, continue to add value to the economy, and maintain and create jobs.

Qwest is an interested participant in the federal privacy policy dialogue. Qwest is a high speed Internet, broadband and telecommunications provider in 14 states throughout the western United States. We use and need information about our customers to provide, refine and improve our services, and manage and plan for future development of our networks. We also publish content on the Internet at our own web sites and advertise through advertising networks in other places on the web. In short, we not only provide the infrastructure for the information economy but actively participate in it.

Unlike some other participants in the information economy, we have customers in the traditional sense of the word -- individuals who purchase our services. We value our relationships with our customers and know how important it is for us to be clear with them about our privacy practices and honor their expectations. Toward this end, we recently updated our privacy policy with the goal of making our privacy practices and our customers' choices about them easier to understand. And our commitment to the protection of information about our customers is reflected in our employment of a Chief Privacy Officer, and counsel and compliance staff dedicated to privacy.

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<sup>1</sup> 75 Fed. Reg. 21226 (2010), 75 Fed. Reg. 32372 (2010).

In short, privacy is important to us and we have a vested interest in the federal government's development of a coherent policy on it.

Notice, choice, access and security remain the best tenets for federal policy on privacy. These tenets are well recognized and often referred to as fair information practices. They recognize that many businesses have responsibly collected and used customer information for basic operational, management, planning, and marketing and sales functions for years. Indeed, this collection and use of information is necessary for the provision of services and the fulfillment of customers' expectations with respect to both the existing commercial marketplace and the marketplace to come. In short, anticipating customer expectations is largely the result of the collection and analysis of information about individual consumers. And this analysis is essential for any meaningful communication with individuals about the choices that may be available to them to improve their economic and social well being.

Within the well established fair information practices framework, federal privacy policy must apply to all players in the information economy. It cannot be differentiated based on the technology or application in which information is collected, stored, or used.

Federal policy must also be broad enough to continue to allow businesses to grow and thrive by quickly and creatively meeting the needs of their customers. Federal prescriptive measures, if not crafted and adopted with a view toward flexibility and the vested interests of businesses like Qwest to honor the expectations of their customers, run the grave risk of freezing the Internet at some arbitrary point in time, thereby reducing its economic value. By way of example, according to a study commissioned by the Interactive Advertising Bureau,<sup>2</sup> the advertising-supported Internet represents 2.1% of the total U.S. gross domestic product. It directly employs more than 1.2 million Americans in jobs that did not exist twenty years ago, and another 1.8 million people that work to support those directly with Internet-related jobs. This commercial contribution to the United States economy cannot be overstated.

Broad policy tenets (along the lines of long-recognized fair information practices) leave open the way for continued rapid innovation -- the only way to meet consumers' expectations in the information economy. Indeed, most advances in online privacy protection to date have come as a result of industry initiatives that were quick and responsive to market imperatives. For example, the Direct Marketing Association and Interactive Advertising Bureau have crafted standards for their members designed to meet customer expectations. More recently, various groups -- including Yahoo and the Future of Privacy Forum -- have announced plans for simple depictions of the information used to deliver web based advertising in ways that consumers can understand and over which they can exercise control. And TRUSTe has developed an interactive tool that provides consumers with easily accessible and understandable information about advertising practices. Each of these steps is a quick and creative response to consumer concerns. And each reflects action taken within a framework of the fair information practices. Anything more prescriptive would surely be soon outdated and fail to address tomorrow's technologies and business models.

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<sup>2</sup> <http://www.iab.net/media/file/Economic-Value-Report.pdf>.

A federal model based on the fair information practices would incorporate the ability to more specifically address sectoral protections regarding sensitive information about consumers, as currently embodied in the various federal laws referred to in the NTIA's Notice, such as the Telecommunications Act and the Federal Communications Commission's regulation of customer proprietary network information.

In closing, it is imperative that the federal government develop a clear, coherent, policy on privacy that reflects not only protection of consumers against harm but promotion of commerce. The NTIA's ability to balance the important business issues in a policy context makes it a key actor in the current privacy deliberations. A simple, and ideally preemptive, federal policy on privacy will give both industry and consumers a framework they can understand and manage. Absent such a preemptive policy, the complicated web of state standards on privacy and information security will continue to grow, creating not only operational costs and unduly prescriptive requirements for businesses but unequal treatment for consumers regarding the standards applicable to privacy protection of information about them. Qwest looks forward to working with the NTIA on this complex issue.

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