

Lawmakers seek to restore internet privacy after repealing it

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House and Senate lawmakers are hoping to push legislation to replace recently repealed Obama-era internet privacy regulations, a move by the Federal Communications Commission that has led to a tide of consumer

complaints.

At least two Senate bills are being drafted to address the regulatory void and public outcry created last month when congressional Republicans repealed [internet privacy](#) rules issued by the FCC last year, using the Congressional Review Act. With the repeal, [internet](#) service providers such as Comcast and Verizon can use and sell their customers' online internet activity for marketing purposes unless consumers specifically request to opt out.

Republican Sens. Mike Lee of Utah and Steve Daines of Montana are working separately on legislation but may team up if their objectives align, according to a Lee spokesman.

"It's an issue that needs to be addressed," said the spokesman for Lee, a member of the Senate Commerce, Science and Transportation Committee. The panel's chairman, Sen. John Thune, R-S.D., recently called for a bipartisan legislative compromise on internet privacy and the larger internet regulatory issue of [net neutrality](#), which treats all internet traffic equally. The FCC has also started the process to roll back net neutrality.

At stake is a reshaping of the business model underlying the internet economy, which relies on advertising targeted to users based on information collected about their location and how they use the web. Stricter privacy rules would limit the ability to collect and share that information.

Rep. Marsha Blackburn, who chairs the House Energy and Commerce Subcommittee on Communications and Technology, roiled the internet industry last week with a bill that would require all internet firms to obtain advance consent before collecting and selling or sharing their users' information, such as the websites they visit.

The Tennessee Republican introduced the bill on May 18 to restore some of the internet protections.

Last year's FCC rules required internet service providers to obtain advance consent from users before collecting and using their information to sell advertising. Broadband providers complained, however, that this opt-in requirement put them at a sharp disadvantage to other sellers of internet advertising, such as Google and Facebook, which are allowed by the Federal Trade Commission to collect and use such information unless users object, or opt out.

Blackburn's bill would level the playing field by putting all internet firms under FTC jurisdiction but at a higher level of opt-in consumer protection. But the bill's stricter protections have sparked strong opposition from the Internet Association, a lobbying group representing Amazon, Facebook, Google and other major [internet firms](#) regulated under the FTC's looser privacy requirements.

Lee is considering whether to take the FTC's opt-out or the FCC's opt-in approach, according to his spokesman. "It's still too early," he said.

Daines is said to be working with Sen. Dean Heller, R-Nev., who also sits on Senate Commerce. Their press offices did not respond to requests for comment.

Blackburn's bill surprised the industry because it is similar to the FCC privacy rules whose repeal she advocated earlier this year.

"This bill has the potential to upend the consumer experience online and stifle innovation," the Internet Association said in a statement this week. "Policymakers must recognize that websites and apps continue to be under strict FTC privacy enforcement and are not in an enforcement gap, unlike other stakeholders in the ecosystem."

Lobbyists for the Internet Association met with Blackburn on Thursday to discuss her bill.

"I thought the Internet Association would be more supportive of protecting consumers," Blackburn said in a statement before the meeting. "If you ask the American people if they're ok with having less control over their online privacy so companies can sell their data - they'd say no."

The FCC is precluded by the Congressional Review Act from issuing new internet privacy rules that are substantially similar, and it has started a regulatory process to turn its current jurisdiction over internet [privacy](#) to the FTC.

No matter what the FCC does, legislation could be vital to resolving the issue because the FTC's ability to regulate internet providers has been thrown into doubt. A federal appellate court earlier this month upheld the controversial net neutrality rules, leaving Congress and the agencies to grapple with internet oversight.

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