

Subject: Hewlett-Packard's response to the NTIA request for input on U.S Multi-stakeholder process and structure for the development of Consumer Data Privacy Codes of Conduct

Hewlett-Packard (HP) would like to commend the United States for producing the "*Consumer Data Privacy In a Networked World: A Framework for Protecting Privacy and Promoting Innovation in the Global Digital Economy*" and Consumer Privacy Bill of Rights. We are aware that this is a large undertaking and appreciate the opportunity to comment on the multi-stakeholder process and structure for the development of Consumer Data Privacy Codes of Conduct. We would also like to thank the Department of Commerce for involving industry over the past few years and allowing us to provide input and participate in the process.

We are very encouraged by the fashion in which the Data Privacy Codes of Conduct are being developed because the challenges are very complex and success will only come from multi-stakeholder engagement. We agree that any code of conduct is best served by consultation with a range of stakeholders including representatives from business (of all sizes and markets), industry experts, privacy advocates, consumer groups and regulators who are knowledgeable about the issues, the technologies, the business models and the privacy concerns such codes are intended to address.

We believe that the multi-stakeholder process as articulated in the Framework may work well to identify issues that should be addressed by providing best practice guidance and creating a workable, effective mechanism by which the Codes of Conduct will be developed.

We believe that it will be critical in the multi-stakeholder process to first focus in on key strategic themes or topics before delving into drafting the code itself. We would suggest starting the process with a stakeholder group that has the capacity to develop these themes and the appropriate strategy for each topic.

Some of the themes we suggest are:

- Transparency
- Privacy by Design
- Evolving business models
- Organizational accountability
- Global interoperability

Transparency is a complex strategic topic and might be one of the first themes to think about as it touches on most of the principles – control, context, collection, accountability, etc. Transparency is at the foundation of notice and choice and how consumers interact with companies. It is through appropriate transparency that guidance on how to present complex information to an individual in simple, comprehensible form occurs. Transparency is a theme that becomes even more critical as business models and technologies evolve.

Privacy by Design might be another theme that can have Codes of Conduct on how privacy protections need to be implemented in all components of business operations. Privacy should be

designed into products, services, and all business activity. Training and guiding employees on appropriate practices and risk assessments is key.

Evolving business models where data is being co-mingled and collected in new and different ways touches on numerous issues. It is a reality that we are living with today. This theme could encompass everything from big data, analytics, data storage/retention, cloud computing and trans-border data flows. The code can help guide what limitations and controls should be put in place to ensure privacy rights are protected as new, innovative ways of collecting and using information evolve.

Organizational accountability is imperative as laws and regulations continue to lag behind the practical reality of technology. Organizational accountability can serve as a mechanism for a company to deliver appropriate business practices. Organizations that collect and use personal data should be held accountable for being good stewards of the data to which they are entrusted, have comprehensive programs and stand ready to demonstrate their capacity.

Global interoperability is critical to ensure what we do in the U.S. today facilitates participation in the global marketplace. Data is global and providing guidance on how it can move between various region/country regimes requires appropriate mapping and understanding in order to maximize safe movement globally.

Because so many of the principles within the framework are interrelated we believe that the first step should be to strategically think about principle themes. These themes need to be addressed as a first step to provide more clarity on how business would implement the Privacy Bill of Rights and develop an appropriate Code of Conduct to address the risks and issues identified in the themes.

This can be accomplished by forming a small stakeholder group with representatives who have the capacity and expertise to provide resources and input. Members from organizations such as BBB, Direct Marketing Association, CIPL, etc. could provide valuable insight as their members have already been engaged in many of these types of discussions. The stakeholder group should include various industry types and also include leading academics, representatives from civil society and government.

From these discussions, more specific paths forward or workshops could operate in parallel or, if more appropriate, be done in a sequential fashion. Since it is imperative that companies of all sizes are represented we would suggest that the guidance developed by this small stakeholder group be made available for broader review as a second step via public comment and discussion.

In summary, we believe that taking a multi-stakeholder approach is the right one and that success will come from engaging in an open and strategic discussion of the issues and themes, followed by Codes of Conduct, and a broader review.

Privacy Codes of Conduct development is important and we are aware that the Administration wants to move quickly, however we also must recognize that there are significant challenges. Many topics will require considerable discussion in order to achieve balanced and appropriate guidance.

We believe that success of any strategic effort starts with strategy and probably the most important step being the initial discussion to figure out how to manage the multi-stakeholder process.

Again, we are very encouraged by the multi stakeholder process and would be pleased to participate and look forward to contributing to this effort.