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National Telecommunications and Information Administration
U.S. Department of Commerce
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Room 4725
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RE: Multistakeholder Process to Develop Consumer Data Privacy Codes of Conduct

Intel Corporation commends the Department of Commerce and the Administration for its excellent work on the blueprint report on “Consumer Data Privacy in a Networked World.” We believe that the report will make an important contribution to the discussion about how best to protect privacy. In response to the Department’s request for comments on the multistakeholder process to develop enforceable codes of conduct, Intel would like to offer the following views.

I. The Administration’s Privacy Blueprint

Intel is the leading manufacturer of computer, networking, and communications products. Intel has almost 100,000 employees, operating in 300 facilities in 50 countries. In 2011, Intel had \$54 billion in revenue from sales to customers in over 120 countries. Intel develops semiconductor products for a broad range of computing applications. These products are some of the most innovative and complex products in history. For example, an Intel Core i7 processor has over 781 million transistors on each chip. It is our stated mission to serve our customers, employees, and shareholders by relentlessly delivering the platform and technology advancements that have become essential to the way we work and live. It is part of our corporate strategy to fulfill this mission by tackling big problems such as the digital divide, education, energy/environment, services, and health. However, we consistently hear that one of the barriers for using technology to address these problems is the concern that personal privacy will not be protected. Thus, Intel believes that putting in place a legal and regulatory system that provides for strong privacy protections is key to the growth of our business.

Intel is supportive of the Administration's continued work to promote innovation and increase privacy protection. We also are pleased the Administration, in testimony last year, and reinforced in the blueprint, calls for U.S. federal privacy legislation based upon the Fair Information Practices. Intel has long supported federal privacy legislation to ensure consumer trust in technology. As we have previously discussed, Intel sees computing moving in a direction where an individual's applications and data will move as that person moves through his or her day. To manage these applications and data, the individual will use a wide assortment of digital devices, including servers, laptop computers, smartphones, tablets, televisions, and handheld PCs. Thus, it is necessary individuals have trust in being able to create, process, and share all types of data, including data that may be quite sensitive, such as health and financial information. The Administration's report rightly recognizes that this innovation will only be possible if policymakers create a legislative framework to ensure this trust.

The Administration's blueprint document continues to recognize we are at a critical time in the development of computing where promoting an environment that allows for innovation is essential. Intel strongly supports the Administration's conclusion that industry and government must work closely together to provide greater privacy protection for individuals. The paper also correctly recognizes that privacy is highly contextual, and a "Respect for Context" principle is prominently featured in the Consumer Privacy Bill of Rights. This approach requires a flexible system that looks to the expectations individuals have when they use technology within a specific context. Rather than creating detailed rules for specific technologies, we support the government's effort to act as an "impatient convener" of industry to create best practices or codes of conduct to implement fair information practices. Non-governmental organizations and the FTC can then play the important role to verify conformance to a company's stated practices. This type of co-regulation allows both government and industry to leverage their respective strengths and to efficiently use scarce resources.

II. Multistakeholder Code of Conduct Process

Intel commends the Administration for its goal of using industry best practices and self-regulation to further consumer privacy protections while at the same time continuing to promote innovation. We offer a few observations that we suggest help guide the process. First, we believe that government can play an important convening role in bringing the necessary parties to the discussion to diligently develop robust and practical best practices, and moving the industry best practice discussions forward. These best practices can then be championed by the U.S. government to other countries as models they should adopt. However, while government can certainly be a convener, the development of self-regulatory mechanisms

must be led by industry itself, as businesses are the entities which ultimately must abide by the best practices and must ensure that they are technically feasible and possible to implement.

Second, it is important that the outcome of the code of conduct process is technology neutral in order to allow for future innovation and the potential market entry of new businesses which may not have been established at the time the code of conduct development occurred.

Third, as to the subject matter of the multistakeholder process, the request for comments suggests that the first topic be centered on mobile applications. While this seems to be an adequate place to begin, we suggest that there be a specific focus of the exercise, instead of just “mobile apps” in general; otherwise, the discussion may have difficulty achieving focus. We suggest that improving transparency in mobile applications would be an achievable and specific goal. Additionally, we urge that the starting point for any code of conduct topic be already-existing policy work. For instance, work on the privacy policies of mobile applications done by The Future of Privacy Forum should serve as the starting point for multistakeholder work.

Finally, while we believe that the multistakeholder approach has worked well in other fora, such as the Internet Governance Forum, we urge that this process ensure that there is open and frank dialogue among industry participants. If the process is open to close scrutiny from regulators and the media at all times, participants may be reluctant to openly discuss business or technological challenges, which may ultimately result in a code of conduct that businesses are incapable of adopting.

III. **Conclusion**

Intel thanks the Department of Commerce and the Administration for their outstanding work on the privacy framework. We look forward to continuing our engagement with the Department to improve the effectiveness of the U.S. legal framework and the overall protection of privacy.

Respectfully Submitted,

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