

March 22, 2012

Aaron Burstein
National Telecommunications and Information Administration
U.S. Department of Commerce
1401 Constitution Avenue, NW
Room 4725
Washington, DC 20230

***Re: Federal Register Notice Request for Public Comment: Consumer Data Privacy
RIN 0660-XA27***

Dear Mr. Burstein,

Thank you for the opportunity to comment on “substantive consumer data privacy issues that warrant the development of legally enforceable codes of conduct, as well as procedures to foster the development of these codes.” As you may know, our company, Go Daddy Operating Company, LLC (“Go Daddy”), consists of eight ICANN-accredited domain name registrars, including GoDaddy.com, LLC, the world’s largest domain name registrar. We are also one of the world’s top website hosting providers, and provide numerous products and services which allow our customers to establish and maintain an online presence.

Our customers’ privacy and security is of the utmost importance to us, and we and our affiliated companies offer an array of products, including SSL certificates, domain name registrant privacy services, and website protection site scanners, which allow our customers to maintain the privacy and security of their personal information while communicating and doing business online. We are an industry leader in consumer privacy protection and support reasonable measures to protect consumer privacy on-line.

We applaud NTIA’s efforts to develop a transparent and voluntary multi-stakeholder process to address the myriad privacy issues that affect businesses and consumers alike. We are encouraged to see that NTIA will strive to reach consensus from a broad group of stakeholders, and agree that it is important to provide consumers with clear, understandable baseline protections and give businesses greater certainty about how any privacy principles may apply to them.

NTIA has asked for comment on which issues should be addressed through the privacy multi-stakeholder process, and what factors should be considered in selecting such issues. We address both of these issues below, and also provide our views on how the multi-stakeholder discussions should be structured to ensure openness, transparency, and consensus-building.

Factors to be Considered in Selecting Issues that Warrant the Development of Codes of Conduct

In order to prioritize the issues which are most ripe for discussion, we suggest that NTIA first consider some basic questions related to consumer trust: First, who do consumers deem to be most at risk and why do they most desire strong data privacy protection? Is the main concern that specific demographics are more vulnerable and that their protection should be prioritized (ie: children or the elderly)? Are consumers primarily concerned about their financial data, personal health data, or the potential sale of their personal data to unknown third parties? Do consumers want to be able to opt out, or do they want to exercise some control over what personal data is collected and how it's used? Are they afraid that "big brother" corporations know what they want to purchase before they know that they want it? Identifying the most vulnerable populations and analyzing the greatest subjective threats to protecting consumers' privacy expectations will help to define which issues should take precedence in these discussions. From our perspective, prioritizing the protection of the most vulnerable populations should take precedence, as should protecting more sensitive information such as financial and health records.

Second, where are the most significant gaps currently? As the Federal Register Notice suggests, gaps in transparency principles in the privacy notices for mobile device applications are a significant problem. There are over 600,000 mobile applications for Apple products alone – and less than half of those have privacy policies. But, are the gaps in privacy protection for mobile applications so great that they warrant prioritization over broader issues such as sharing consumer data with third parties without consumer consent? We need to be careful that efforts around mobile applications don't take place in a vacuum and don't prioritize form over substance (eg: examining how people read privacy policies on small devices, rather than what the substantive policies should actually contain).

Suggested Procedures to Foster the Development of Codes of Conduct

While it is admirable that NTIA seeks to promote "open" participation by a broad range of stakeholders, that goal obviously comes with a broad range of challenges. First, as is evidenced by the overflowing crowd at the release of the Administration's white paper, there will likely be significant interest in participating in this multi-stakeholder process. However, if the group is to be truly productive, it will be important to limit participation to a reasonably sized and diverse group that can actually make significant progress. Therefore, we suggest that NTIA first determine which industry sectors need to be represented and which companies are best suited to represent those industry sectors. At a minimum, that list should include multiple sectors, including search engines, online advertising networks, payment processors and financial institutions, hosting providers, registrars, registries, and consumer groups. It should also have representatives from small, medium, and large businesses. In order to promote transparency, meetings could be broadcast on-line for consumption by a larger group, and an on-line mechanism for offering comments and suggestions could be utilized.

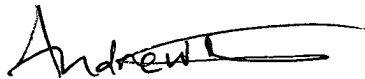
Defining Consensus and Ultimate Success

It is also important to define "consensus" and to determine how consensus will be reached. Because multiple sectors will be represented, and companies may have different priorities based upon varying business models or commitment to the issue, it may be important to define consensus more narrowly (re: the majority of representatives from each sector need to be in agreement). It is also imperative that the Administration clearly define success from the inception. Is success the adoption of codes of

conduct by multiple sectors, all sectors, the majority of companies in each sector, or by another means?

Thank you again for taking these comments into consideration. Should you wish to discuss Go Daddy's position on any of these issues further, please do not hesitate to contact me. As the largest domain name registrar in the world, we stand ready to represent our industry in these discussions, and look forward to actively participating in the multi-stakeholder process.

Very Truly Yours,
GO DADDY OPERATING COMPANY, LLC

A handwritten signature in black ink, appearing to read "Andrew J. Kline". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Andrew J. Kline
Deputy General Counsel, Global Policy