

FRED H. CATE

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Via E-Mail (advisorycommittee@ftc.gov)

Secretary
Federal Trade Commission
Room H-159
600 Pennsylvania Avenue, NW
Washington, DC 20580.

Re: Advisory Committee on Online Access and Security—Nomination, P004807

Dear Sir:

I wish to submit my name for consideration for membership on the Advisory Committee on Online Access and Security.

I am a Professor of Law, Harry T. Ice Faculty Fellow, and Director of the Information Law and Commerce Institute at the Indiana University School of Law-Bloomington, and Senior Counsel for Information Law in the Indianapolis law firm of Ice Miller Donadio & Ryan.

I have specialized in information law issues, with a particular focus on privacy issues in the context of the Internet, for the past decade. I am the author of many articles and books in this area, including *Privacy in the Information Age* and *The Internet and the First Amendment*, both of which were selected for the 35th annual *Choice* Outstanding Academic Books list by the Association of College and Research Libraries. This summer I co-authored *The Public Record: Information Privacy and Access—A New Framework for Finding the Balance*, and I recently completed an edited volume of essays on privacy law in the United States and Europe. In 1996-97, I directed the Electronic Information Privacy and Commerce Study for the Brookings Institution, and I am currently under contract with the Brookings Institution Press to write another book in this area. Previously I directed a project on Information Privacy and the Public Interest for The Annenberg Washington Program in Communications Policy Studies.

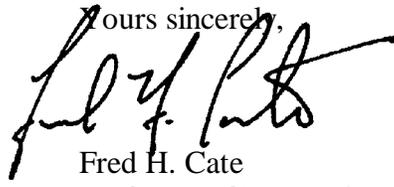
I work with a number of industry and professional groups, state legislatures, courts, and not-for-profit organizations on privacy issues and other matters relating to the ownership and control of information content. I have testified before Congress on Internet privacy issues. I chair the International Telecommunication Union's High-Level Experts on Electronic Signatures and Certification Authorities, and I direct the American Institute for Contemporary German Studies' project on German-U.S. electronic commerce. I am also vice chair of the American Bar Association Section on Health Law's Electronic Communications and Privacy Interest Group, and a member of the Privacy Exchange Advisory Board. In November, I was privileged to participate on two of the panels in the Public Workshop on Online Profiling sponsored by the Federal Trade Commission and the Department of Commerce.

You undoubtedly have many distinguished candidates for the Advisory Committee. I might offer three somewhat unusual and hopefully desirable qualifications, in addition to my academic research and professional experience concerning online privacy:

1. I approach privacy from a broader context of information law and policy issues. My background is in communications law. In addition to privacy, I also research and teach about intellectual property, First Amendment, and other areas of similar importance in the context of digital networks and other technologies.
2. Perhaps as a result of that broader perspective, my own view of privacy is somewhat more moderate than that of many other academics. While protecting privacy is clearly important, I see that protection, especially when brought about by government, as almost always in tension with other essential values. Moreover, I believe that the very technologies that have heightened our concerns about privacy also offer the potential for real (not merely legal) privacy protection.
3. I don't live in the Washington area. Although I sometimes find myself traveling there so frequently that it feels like I do, I spend most of my time outside of Washington and most of my professional life as a professor in a public university in the Midwest.

If I can be of use as a member of the Advisory Committee, I would be delighted to serve. I am on sabbatical this spring, so availability is not a problem. I should disclose, however, that on one of the meeting dates, March 31, 2000, I will be in Australia. The other dates are all clear on my calendar.

Please let me know if you should desire additional information. Thank you for your consideration.

Yours sincerely,

Fred H. Cate
Professor of Law and
Harry T. Ice Faculty Fellow