



Information and Privacy
Commissioner/Ontario
Commissaire à l'information
et à la protection de la vie privée/Ontario

January 21, 2011

Federal Trade Commission
Office of the Secretary, Room H-113
Annex, 600 Pennsylvania Avenue, NW
Washington, DC 20580

Dear Mr. Secretary:

**Re: Submission, *Framework for Protecting Consumer Privacy* for the
FTC Staff Preliminary Report on Protecting Consumer Privacy - File No. P095416**

As the Information and Privacy Commissioner of Ontario, Canada, I welcome the opportunity to submit my comments on the FTC's proposed *Framework for Protecting Consumer Privacy*, as set out in the preliminary staff report released December 2010. I applaud the FTC's leadership role, and the thoughtful consideration given to the key privacy challenges facing consumers, businesses and regulators today, both online and off.

The proposed Framework contains a wealth of fresh ideas. Enclosed with this letter you will find my submission, with comments on each of the four Framework elements: Scope; *Privacy by Design*; Consumer Choice; and Transparency.

However, I would like to highlight one particular feature of my submission. Currently, as you know, the dominant privacy consent model for online tracking, advertising and marketing is "opt-out." I am using this submission as the vehicle by which to announce a new development in the interpretation of the second *Privacy by Design* Foundational Principle of *Privacy as the Default Setting*. I am introducing a new *two-step process*, which makes it possible to achieve the spirit of *Default Privacy* in situations where the existing industry standard of practice presents a barrier to achieving the principle *directly*. Please see page *four* of the submission for greater detail on our new interpretation, that we call the "Ontario Two-Step" process.

I would like to express my gratitude for the FTC's support of applied *Privacy by Design* and also for the opportunity to comment on the proposed Framework. My office will be following future developments in this important initiative, and will be available to provide whatever assistance you may require. Please do not hesitate to contact me – you have my complete support.

I wish you every success!

Sincerely yours,

Ann Cavoukian, Ph.D.
Commissioner

Enclosure



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