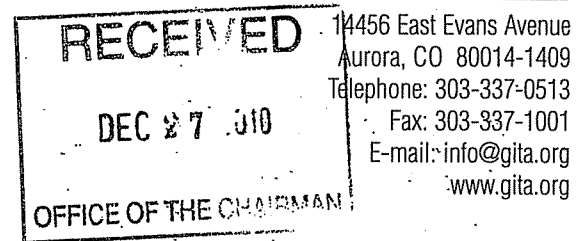


December 20, 2010



Commissioner Jon Leibowitz  
Chairman  
Federal Trade Commission  
600 Pennsylvania Avenue, NW  
Washington, DC 20580

Dear Commissioner Leibowitz:

I am writing on behalf of the membership and Board of Directors of the Geospatial Information and Technology Association (GITA). GITA is the professional association and leading advocate for anyone using geospatial technology to help operate, maintain, and protect the nation's infrastructure, including organizations such as utilities, telecommunication companies and the public sector. Through industry-leading conferences, research initiatives, chapters, membership and other programs, GITA provides education and professional best practices to more than 2,000 members from an expanding 20,000+ worldwide network of experienced geospatial professionals.

The purpose of this letter is to communicate our professional concern with the Preliminary FTC Staff Report entitled "Protecting Consumer Privacy in an Era of Rapid Change." On page 61 of this report, the authors state: *"The Commission staff has supported affirmative express consent where companies collect sensitive information for online behavioral advertising and continues to believe that certain types of sensitive information warrant special protection, such as information about children, financial and medical information, and precise geolocation data. Thus, before any of this data is collected, used, or shared, staff believes that companies should seek affirmative express consent."*

There are at least two significant problems with this statement, which we urge you to consider and address. The first is the lack of a formal definition of "precise geolocation data." This term might refer to GPS coordinates but it might just as easily refer to the address published in a telephone book or available from the on-line search facility of a country government's property appraiser. Both of these latter examples are legitimate and accepted practices that are amply supported by business requirements in the first case and the public's right to information in the second case. We urge you to recognize the problems inherent to using an undefined or ill-defined term such as "precise geolocation data" with consideration of the unintended consequences of such an action.

The second problem is related to the undefined phrase "affirmative express consent." In the case of telephone directories, the legitimate and accepted practices of the industry have specified "opt-out" rather than "opt-in" processes for decades. The disruption of normal business practice, and the accompanying costs, should be considered when defining this phrase. Similarly, electric companies collect "precise geolocation data" for home addresses and electric meters to permit accurate billing for services. Consent for data collection is implicit in the request for service, rather than explicit.

In both cases, we believe that thorough-going analysis and proper definitions must be promulgated and distributed for public comment before any action should be taken that will disrupt our economy and delay recovery from the economic exigencies.

Sincerely,

Dr. Robert F. Austin  
President  
GITA