

**Federal Geographic Data Committee
Comments on Federal Trade Commission Preliminary Staff Report,
"Protecting Consumer Privacy in an Era of Rapid Change:
A Proposed Framework for Businesses and Policymakers"**

February 18, 2011

The Federal Geographic Data Committee (FGDC) Secretariat offers the following comments on the Federal Trade Commission (FTC) Preliminary Staff Report, "Protecting Consumer Privacy in an Era of Rapid Change: A Proposed Framework for Businesses and Policymakers."

The FGDC is an interagency committee that promotes the coordinated development, use, sharing, and dissemination of geospatial data on a national basis. The FGDC provides leadership and facilitates coordination between agencies, governments, academia, industry and professional organizations in developing geographic information and technology critical to managing the nation. The FGDC Secretariat is located within the U.S. Geological Survey, a bureau of the Department of the Interior.

The FTC report includes reference to "precise geolocation data," including the following:

"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*." (P. 61, italics added)

The report does not define "precise geolocation data." Several FGDC partners and stakeholders have expressed concern about the potential impact this language may have if included in future regulations or statutes.

The FGDC sponsors the National Geospatial Advisory Committee (NGAC), a Federal Advisory Committee that provides advice and recommendations on national geospatial policy issues. The NGAC includes members from all levels of government, the private sector, non-profits, and academia. The NGAC discussed the FTC report at its December 2010 NGAC meeting. The NGAC approved the following recommendation:

RECOMMENDATION: The NGAC recommends that the FGDC work collaboratively with the Federal Trade Commission (FTC) to seek clarification of language addressing geolocation in the FTC Staff Report, "Protecting Consumer Privacy in an Era of Rapid Change." The members of the NGAC are concerned about the imprecise use of the term "precise geolocation data" in the report. The lack of definition and clarity in the language could cause significant unintended consequences to the geospatial field, resulting in impacts to consumers, government programs, and industry. The NGAC is willing to work with FGDC and FTC, as needed, to help provide the perspective of the geospatial community to this issue.

We also understand that many geospatial industry groups and representatives have contacted FTC to express concern about the geolocation privacy issue.

As we have discussed with FTC staff, the FGDC looks forward to collaborating with FTC to engage the geospatial community in a dialogue about the issue of geolocation privacy to help ensure that unintended consequences do not adversely impact the growing and vital geospatial technology community.

Thank you for the opportunity to comment.

Submitted by:

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Federal Geographic Data Committee

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