



February 26, 2010

*Via electronic filing*

Hon. Donald S. Clark

Federal Trade Commission Office of the Secretary,

Room H-135 (Annex P)

600 Pennsylvania Avenue, NW Washington, DC 20580

**Re: Privacy Roundtables - Comment, Project No. P095416**

Dear Secretary Clark:

I would like to thank Director Vladek and the staff of the Bureau of Consumer Protection, Chairman Leibowitz, and the Commissioners of the Federal Trade for consistently providing citizens, consumer groups, nonprofit organizations and businesses, including TRUSTe, with an open opportunity to participate with them in exploring the changes in the Internet environment and what that means for consumer privacy protection.

TRUSTe has already provided extensive comments during the Privacy Roundtable Series and so briefly, with this letter, I would like to underline two key topics that merit continuing study and promotion and in which you have a partner in TRUSTe: 1) Empowering Consumers and Businesses with Substantive Tools and 2) Promoting Credible Accountability Programs.

## **Empowering Consumers and Businesses with Substantive Tools**

Many commentators have asked for substantive tools for both consumers and businesses to use to more effectively build privacy into their online activities. TRUSTe also supports the fullest range of options for consumers to effectively make their privacy choices and online preferences known and respected. Consumers are more able to easily access their online behavioral advertising profiles and preferences. Some companies can now generate a consumer-friendly privacy policy aligned with their practices. Location-notice is now provided through the smart phones. Even with these innovations and developments, opportunities remain to provide consumers and businesses with better and more effective privacy management tools. In addition, many of these tools are new to the market, and at this point we collectively lack substantive understanding on consumer usage and acceptance, as well as appropriateness for businesses.

## **Credible Accountability Programs**

Credible accountability programs are necessary to maintain consumer confidence in the respectful use of personal information on the Internet. Businesses, consumers and governments rely on accountability programs to assist with privacy compliance and privacy promotion. We know that there will never be a big enough government enforcement net to protect all users, but with trusted and credible accountability programs, consumer privacy, necessary information flows, and the vibrancy of innovation on the Internet can also be protected. Trustmarks hold a special place in an accountability framework. Recent proliferation of trustmarks , both in security and privacy, and questions regarding credibility and effectiveness, need to be addressed. TRUSTe is involved in a number of conversations, both domestically and internationally, on the role of accountability agents and how to enhance overall credibility balanced by pragmatic and operational constraints.

## **Closing**

TRUSTe has a twelve year-history as the leading privacy trustmark with seals viewed in upwards of 100 countries. We believe that providing consumers with a highly effective online privacy accountability mechanism is an appropriate and significant role for independent privacy accountability agents in current and future US privacy frameworks. We are pleased to share our perspective and recommendations, acknowledging the trust that has been placed in us by companies and individuals. We look forward to the opportunity for further discussion at the upcoming Roundtables and commend the FTC on these open dialogues concerning effective protection of consumer privacy. Thank you.

Sincerely,

Frances Maier