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# United States Senate

COMMITTEE ON COMMERCE, SCIENCE,  
AND TRANSPORTATION

WASHINGTON, DC 20510-6125

WEB SITE: <http://commerce.senate.gov>

October 27, 2011

Mr. Joseph W. Saunders  
Chairman and Chief Executive Officer  
Visa, Inc.  
595 Market Street  
San Francisco, CA 94105

Dear Mr. Saunders:

I write this letter with regard to a front page article in the October 25 edition of the Wall Street Journal, which reports on a planned Visa marketing initiative that would use the company's proprietary customer purchasing data in conjunction with external sources of consumer data to target behavioral advertisements on the internet. If true, the Journal article raises serious questions on the privacy implications of Visa's marketing strategy.

Specifically, the article reports that Visa is considering a strategy to combine its own data on consumer purchases with data from sources such as social network websites, credit bureaus, search engines, insurance claims, and DNA databanks to serve tailored, behavioral advertising to its customers, for whom Visa reportedly processed 45 billion financial transactions last year. Though the Journal states that such information entails "cardholders' anonymous buying histories, in aggregate," the article also reports that Visa is contemplating matching "personal information, such as [a customer's] credit card number or real name... to look up a broader profile of that user that includes that person's purchase history based on their credit-card transactions." In so doing, Visa and/or a non-affiliated third party would apparently place a profile-embedded cookie on that consumer's web-browser, which would enable ad networks to serve the consumer tailored advertisements based on the information collected by the cookie and, more importantly, embedded in the customer profile.

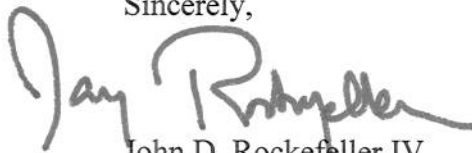
The facts alleged in the Journal article are a cause for alarm. As a general matter, I am already concerned that privacy protections afforded to American consumers in the commercial marketplace are inadequate, whether they are surfing the World Wide Web, using their smartphones, or shopping in their local supermarket. Allegations that Visa is contemplating a combination of information databases – heretofore unconnected – that would allow the company or non-affiliated third parties to build and maintain detailed consumer profiles of unprecedented proportions raise new concerns.

As Chairman of the Senate Committee on Commerce, Science, and Transportation, I have long advocated for increased privacy protections for consumers and greater transparency and choice with regard to the collection and use of their personal information. The Committee has broad jurisdiction over interstate commerce and consumer protection, including consumer privacy. In this capacity, the Commerce Committee has held numerous hearings on this subject matter and intends to remain fully active in this issue area. As such, I ask that your company provide answers to the Commerce Committee on the following questions:

1. What information does Visa currently collect on its customers, and how is this information used?
2. If Visa sells customer data to third parties, what contractual safeguards does Visa adopt to ensure this data is not used to identify specific customers?
3. What policies does Visa have in place to ensure compliance with the notice and opt-out requirements of the Gramm-Leach-Bliley Act? Please provide the Committee with examples of the notice and opt-out mechanisms for all of Visa's information collection and sharing practices.
4. What is Visa currently contemplating with regard to combining customer purchasing data with other exogenous data sources, such as information from social networking sites and Web surfing habits? In this regard, is Visa considering initiating or participating in a marketing plan in which cookies are placed on consumer computers based on profiles compiled from Visa's purchasing data, as alleged in the Wall Street Journal?
5. What is the company's planned timeline for implementing such collection and use practices, and what privacy and security protocols will Visa have in place to protect customer privacy?

Please provide your answers to the Committee no later than November 30. Thank you for your attention to this matter. Should you have any questions, please have your staff contact Christian Tamotsu Fjeld on my Committee staff at (202) 224-1270.

Sincerely,

A handwritten signature in black ink, appearing to read "John D. Rockefeller IV". The signature is fluid and cursive, with a large initial "J" and "R".

John D. Rockefeller IV  
Chairman  
Senate Committee on Commerce, Science,  
And Transportation