

Responses to Written Questions Submitted by Honorable Jerry Moran to Rachel Welch

Question 1. Efforts to draft meaningful federal legislation on consumer data privacy will heavily rely upon determinations of what types of personally identifiable data are classified as “sensitive” and what are not. While some have suggested that expanded FTC rulemaking authority is necessary to flexibly account for new types of data sets coming from innovative technologies, I have concerns that excessive rulemaking authority could lead to frequent reclassifications of the types of data with ensuing liability adjustments. Do you have suggestions on how to best identify “sensitive” personally identifiable information?

Response. Charter has proposed a national privacy framework that requires “opt-in” consent for the collection, use, and disclosure of all personally identifiable information, rather than distinguishing between different categories of information which can be difficult for consumers. We believe that such a framework is more consistent with consumer expectations regarding protection of their personal data online.

Question 2. NTIA issued a request for comment on ways to advance consumer privacy without harming prosperity and innovation. I commend the administration for their attention to this important issue. The “High Level Goals for Federal Action” that NTIA is seeking comments for includes inter-operability and the development of a regulatory landscape that is consistent with the international norms and frameworks in which the U.S. participates. How do you foresee federal legislation affecting cross-border data flows?

Response. Charter strongly supports NTIA’s call for a framework that protects individual privacy and fosters technological innovation, particularly its focus on a privacy framework that “reduces fragmentation nationally and increases harmonization and interoperability nationally and globally.” Non-uniform rules can create consumer confusion and result in a patchwork of protection. Charter looks forward to the opportunity to participate in the development of the Administration’s approach to consumer privacy.

Charter believes that a federal framework that focuses on the five core principles of consumer control, transparency, parity, uniformity, and security will best protect consumers and produce the best outcomes for businesses that increasingly operate on a global scale.

Question 3. Also included in NTIA’s request for comments, how should the U.S. government encourage more research and development of products and services that improve privacy protection?

Response. Charter believes that the federal government can play an important role in research and development of products and services that improve privacy protection, possibly through the establishment of voluntary consensus standards (such as the NIST cybersecurity framework) and potentially through targeted investments. The government should not mandate the use of particular technologies or products, however, and any such investments should be carefully targeted to avoid unintended consequences such as the creation of competitive disparities in the marketplace for products or services.

Responses to Written Questions Submitted by Honorable Shelley Moore Capito to Rachel Welch

Question 1. According to a study by Pew Research, only 38% of consumers know how to limit what information they give online. Consider me among those consumers who do not know what is being collected and how to keep my information to myself. Even with privacy settings and assurances that my data is not being collected and used without my consent, I still have concerns.

I believe the root of this issue is transparency and consumer confidence. What are your companies doing to increase the transparency when it comes to the type of data you collect?

Response. Charter values and relies on the trust and loyalty of its more than 26 million residential and business customers. One of our key business objectives is to provide customers with a superior broadband experience that they value and use. An important aspect of ensuring that consumers continue to utilize all the services that the internet has to offer is making sure that they are confident that they understand what personal information businesses collect about them and that their personal information online is protected. Charter strives to give our customers that confidence through a commitment to transparency. Our goal is to make our privacy policy as transparent as possible and easy for consumers to understand. We constantly review and reevaluate our privacy policy based on feedback we receive.

Charter agrees that transparency is critical to improving consumer confidence in online services, and therefore supports the creation of a national online privacy framework, applicable to all participants in the online ecosystem, that includes transparency as a critical element. This ensures that no matter where a consumer goes online or where they live, they will receive a clear, concise, and easy to understand explanation of how the entity wants to collect, use, and maintain her data. Privacy policies should be separate from other terms and conditions of service. Adherence to these principles by all of the participants in the online ecosystem will give consumers the ability to weigh the potential benefits and harms of the collection and use of their personal data, and provide informed consent.

Question 2. What difficulties have your companies faced when developing more transparent privacy policies?

Response. Our goal is to make our privacy policy as thorough and transparent as possible, and easy for consumers to understand. Balancing comprehensiveness and simplicity can be challenging. We therefore review our privacy policy on an ongoing basis and seek to improve it based on customer feedback. We recently completed revisions designed to improve our privacy policy's comprehensibility and accessibility.

Question 3. West Virginia has a high elderly population that is rapidly increasing as baby boomers retire. I am positive that a lot of my elderly constituents are among those individuals who do not know how to limit their online information.

What are some of the measures your companies are doing to teach consumers – and specifically older consumers – about what data they share on your platforms?

Response. Charter regularly updates our privacy policy in order to make it easy for all of our customers to understand. Ensuring that all of our customers receive clear and helpful information about our services is a top priority. Further, as an internet service provider, Charter does not sell or share any of our customer's personal data, to anyone, for any purpose. We expressly state this in our privacy policy and have also committed to provide customers notice and choice if we change our practices.

Question 4. I know advertising through data collection has a monetary value, and appreciate the business model, however, I find it hard to know what is being collected and how I can keep my information to myself. Even with privacy settings and assurances my data is not being used without my consent, I still have concerns.

Please explain how your business model allows both data to be used to make suggested recommended purchases on your site? As well as how you use that data to target ads to consumers? And how do you do that while protecting personal data?

Response. As an internet service provider, Charter does not sell or share any of our customer's personal data, to anyone, for any purpose. That means we do not share or sell our customers' web browsing histories or any of their online information for third-party marketing. We have expressly stated this in our privacy policy and also have committed to provide customers notice and choice if we change our practices.

Question 5. How can Congress ensure that data collected is used responsibly without shutting down the collection of data completely?

Response. Charter supports the adoption of a national online privacy framework that starts with the consumer. The framework should focus on five core principles:

- Consumer control and meaningful consent, such as requiring all internet entities to give consumers an "opt-in" choice for the collection, use, and disclosure of their data;
- Transparency, through clear, concise, meaningful, and readily available information about how consumers' information is collected, used, and disclosed;
- Parity, meaning a comprehensive and consistent approach to privacy that applies across the online ecosystem, in order to provide consumers with confidence that their personal information is protected anywhere they go online;
- Uniformity, in the form of a federal framework rather than a patchwork approach of inconsistent privacy laws; and
- Security in the form of strong data security practices that include administrative, technical, and physical safeguards.

These principles will ensure that data are collected and used responsibly, and that consumers are informed and empowered to control the personal information that is collected about them online.

Responses to Written Questions Submitted by Honorable Todd Young to Rachel Welch

Question 1. GDPR establishes a right of data portability, which some believe is key to driving new innovation and competition within the emerging data ecosystem. Others are concerned that data portability rights, depending on how crafted, could further entrench incumbent companies.

What questions should policymakers be asking in developing data portability rights?

Response. Charter strongly believes that consumers should have control over how their data is collected and used. As a U.S.-based internet service provider Charter is not subject to the GDPR, but we are watching the implementation of the GDPR carefully in order to determine how different aspects of the GDPR could be applied to a national framework in the United States. We recognize that both the GDPR and the California Consumer Privacy Act incorporate principles of data portability, and that the right to access, delete, and port data is an important part of the discussion in any privacy protection framework. There will be operational challenges in implementing any such rights, but Charter looks forward to participating in this discussion.

Question 2. What improvements would you make, if any, to Art. 20 of GDPR, which addresses the right to data portability?

Response. Charter has been watching with interest to see how European Union member states implement the GDPR following its entry into force on May 25, 2018. Charter believes that further guidance and future enforcement actions in the European Union will provide valuable insight into the parameters of this right.

Question 3. How best can data portability rights be crafted to create new competition, but not further entrench incumbent companies?

Response. Charter supports the adoption of a national online privacy framework that focuses on the five core principles of consumer control, transparency, parity, uniformity, and security. The obligation to ensure a consumer's data portability rights should apply to any entity that collects personal information, and the means of implementing portability should be carefully designed so that all providers can readily comply with it, in order to avoid conferring advantages on any particular company or group of companies. This will reduce consumer confusion and ensure that consumers are empowered to make choices regarding their personal information, without inadvertently creating competitive disparities. Charter looks forward to continuing to participate in the discussion of this issue.