



November 9, 2018

Privacyrfc2018@ntia.doc.gov

Attention: Privacy
National Telecommunications and Information Administration
U.S. Department of Commerce
Washington, D.C. 20230

Re: Comments in Developing the Administration's Approach to Consumer Privacy

Dear Sir or Madam:

Hughes Network Systems, LLC ("Hughes") hereby submits these comments in the above referenced Request for Comments ("RFC") on the Administration's approach to consumer privacy.¹ Hughes, as the largest provider of satellite broadband services in the United States and globally, is very focused on ensuring its users' privacy is respected while deploying innovative consumer solutions. Accordingly, Hughes supports the National Telecommunications and Information Administration's ("NTIA") proposed privacy approach that lays out user-centric privacy outcomes that would underpin any Federal Actions to produce protections through consumer-privacy policy.

To make this approach truly effective, there must be a holistic federal framework governing consumer privacy. Accordingly, Hughes encourages the federal government to preempt patchwork regulation in the consumer privacy space. Failure to create an overarching national privacy framework will create a multi-modal regulatory regime that is impossible for industry to meet, imposes unnecessary burdens on industry, and will generally sow confusion among consumers and industry.

By harmonizing federal legislation and preempting state and local regulation in the consumer privacy arena, the federal government can ensure that individual consumer privacy rights are protected while industry's ability to foster innovation is unhindered. The federal government has already enacted a host of strong privacy, data security, consumer protection, and anti-discrimination laws, including Section 5 of the Federal Trade Commission Act,² the Clayton Antitrust Act,³ and more than a dozen other federal statutes.⁴ In addition to the federal regulation in this space, there is an expansive gamut of state laws enforced by state attorneys general and private litigants. While industry works diligently to comply with this myriad of federal and state legislation, the current regime fails to assure consumers that they

¹ Developing the Administration's Approach to Consumer Privacy, NTIA, Dkt no. 180821780-8780-01, 83 Fed. Reg. 187 (2018) ("NTIA RFC").

² 15 U.S.C. §45(a)(1), as amended.

³ 15 U.S.C. §§12-27

⁴ See e.g. the Children's Online Privacy Protection Act ("COPPA"), the Gramm-Leach-Bliley Act, the Electronic Fund Transfer Act, the Fair Credit Reporting Act, the Fair and Accurate Credit Transactions Act, the Equal Credit Opportunity Act, the Truth in Lending Act, the Controlling the Assault of Non-Solicited Pornography and Marketing ("CAN-SPAM") Act of 2003, the Telephone Consumer Protection Act; the Restore Online Shopper's Confidence Act, the Video Privacy Protection Act, the Cable Act, the Electronic Communications Privacy Act, the Computer Fraud and Abuse Act, the Stored Communications Act, the Telemarketing and Consumer Fraud and Abuse Prevention Act, and the U.S. Safe Web Act.

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will receive equal protections regardless of where they live within the country. By adopting a new, comprehensive, and overarching federal consumer privacy framework, that preempts state action, the government can “avoid duplicative and contradictory privacy-related obligations placed on organizations,”⁵ thereby increasing the consistency of privacy protections and consumer expectations of privacy. Moreover, by preempting state and local regulation, the Administration can achieve its goal of “ensur[ing] that the regulatory landscape for organizations that process personal data in the United States remains flexible, strong, predictable and harmonized.”⁶

Respectfully submitted,

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⁵ NTIA RFC, at pg. 48602.

⁶ Id.