



October 4, 2010

The Honorable Bobby L. Rush  
Chairman, Subcommittee on Commerce, Trade, and Consumer Protection  
Committee on Energy and Commerce  
United States House of Representatives  
2125 Rayburn House Office Building  
Washington, D.C. 20515

The Honorable Ed Whitfield  
Ranking Member, Subcommittee on Commerce, Trade, and Consumer Protection  
Committee on Energy and Commerce  
United States House of Representatives  
2125 Rayburn House Office Building  
Washington, D.C. 20515

Dear Chairman Rush and Ranking Member Whitfield:

We, the undersigned companies, have long supported the passage of broad U.S. federal privacy legislation, as we believe a comprehensive framework is necessary to ensure consumer privacy and trust in their use of technology. We support the recently introduced BEST PRACTICES Act of 2010, H.R. 5777, and urge policy makers to enact a comprehensive framework to protect consumer privacy. We appreciate the work done by Chairman Rush in this area which built upon the discussion draft offered earlier this year by Chairman Boucher and Ranking Member Stearns.

We support the bill's overall framework, which is built upon the Fair Information Practices regime. We appreciate that the BEST PRACTICES Act is technology neutral and gives flexibility to the Federal Trade Commission to adapt to changes in technology. The bill also strikes the appropriate balance by providing businesses with the opportunity to enter into a robust self-regulatory choice program.

We recommend that the provision creating a private right of action be removed, as it would create unnecessary litigation costs and uncertainty for businesses, but would not have a corresponding benefit to consumer privacy. We look forward to working with you to refine this and other provisions in the bill as needed to help move forward privacy legislation that will provide consumers with robust protections.

We are supportive of the direction of the BEST PRACTICES Act, and we look forward to continuing our engagement to improve the effectiveness of the U.S. legal framework and the overall protection of privacy.

Sincerely,

David A. Hoffman  
Director of Security Policy and  
Global Privacy Officer  
Intel Corporation

Fred Humphries  
Vice President  
US Government Affairs  
Microsoft Corporation

Scott R. Shipman  
Associate General Counsel  
Global Privacy Leader  
eBay Inc.