

May 10, 2018

The Honorable John Thune, Chairman
The Honorable Bill Nelson, Ranking Member
US Senate Committee on Commerce, Science, and Transportation
Washington, DC 20510

The Honorable Greg Walden, Chairman
The Honorable Frank Pallone, Ranking Member
US House Committee on Energy and Commerce
Washington, DC 20515

Dear Chairmen and Ranking Members:

The Internet is one of the most profound technological developments in human history. The digital revolution has remade almost every corner of the American economy and created pathways for economic empowerment, creative expression, and civic engagement that were previously unimaginable. It is vital that this remarkable engine for civic, cultural, economic, and social engagement remain open, safe, and secure for all Americans.

While we recognize the unlimited advancement potential of the Internet, we must also recognize the gaps in protection and lack of mechanisms to effectively protect the data of far too many consumers in the United States – especially women, people of color, religious minorities, and the LGBT community. Recent events, from the “fake news” crisis and attacks on our elections, to the widespread use of social media platforms by hate groups, have laid bare the extent of tech companies’ inability – or unwillingness – to police their own platforms. Leading platforms have been documented enabling harassment and abuse of women, people of color, and religious minorities, suppressing the speech and civic participation of the targeted populations. Identity theft can have disproportionately severe impacts on low-income families already struggling to make ends meet. Such illicit activities destroy lives and entire communities and cannot be tolerated.

Revelations of data breaches and abuses, from Equifax to Facebook/Cambridge Analytica, have awoken many Americans to the growing threat to their privacy rights. Technology platforms now monitor and record our every move, track us across multiple devices and websites, aggregate information from data brokers with whom we have no relationship, and compile that information into profiles they can use to market goods, services and political propaganda without our approval or sell the captured data to the highest bidder. Hate groups use social media platforms to inflame racial tensions and use online advertising platforms to help fund hate speech through the indiscriminate placement of ads alongside extremist content, without the knowledge or approval of the advertisers. At the same time, these online advertising platforms have been documented enabling discriminatory ad targeting based on race, gender, and sexual orientation – a pernicious new form of digital redlining. And platform monopolies prioritize the content we see based not on accuracy or equity but rather on discriminatory and self-serving algorithms that place start-ups, small businesses, and activists at a disadvantage to powerful corporate interests and the political elite.

For these reasons, a diverse civil rights coalition has come together to curate a list of the most important Data Privacy and Access principles of consumer protection. It is time for Congress to grapple with the question of how to protect the Internet in order to ensure it remains a force for good and a vehicle for progress. The Internet must remain a tool of empowerment allowing individuals to connect, speak, innovate, share, be heard, and organize without discrimination or harassment.

We believe the following principles should be the cornerstone of any legislation designed to protect the Internet and extend its promise to all Americans:

- **Strong Protections for Privacy and Individual Control of Personal Information.** To better protect consumers online, strong privacy laws applied uniformly across all Internet companies and corporate policies must give consumers meaningful control over how their sensitive data is collected, used and shared, whether collected online or through other methods. Individuals should have access to all of their own underlying data and profiles created by the companies, as well as the right to correct or delete such information. Privacy practices and rights should be disclosed in clear, accessible, and concise public policies. Companies must reasonably secure consumers' data and provide prompt notification when a data breach occurs. Both laws and corporate privacy policy should provide clear rights of recourse for users when these rules are breached. Users should not be required to arbitrate claims if they do not want to.
- **Renewed Commitment to Close the Digital Divide.** Extensive studies, experiments, and initiatives have shown conclusively that both the public and private sectors have important roles to play in expanding competitive broadband access to all Americans. National and Local governments should ensure that all communities, including low-income, rural, and communities of color, receive access to the same advanced technologies, including high-speed broadband. Programs, such as the Lifeline program, which supports low-income access and affordable technology should be supported.
- **Stop Algorithmic Discrimination.** Data-gathering algorithms create detailed profiles of every Internet user, creating the opportunity for high-tech profiling, putting the most vulnerable populations at the highest risk for abuse. Laws prohibiting discrimination in employment, health, education and lending should be forcefully applied to automated algorithmic decision making. Companies, law enforcement and academia should review these algorithms to assess their impact on disadvantaged and at-risk communities.
- **Consistent Rules and Equal Treatment Across the Internet Ecosystem.** Consumers' rights should be protected across the entire Internet ecosystem, just as entrepreneurs and innovators deserve equal opportunity in the whole sector. Rules governing privacy and data collection should be consistent regardless of who collects it and how it is collected. Consumers need one referee on the field, applying the same rule book to everyone. Consumers simply cannot rely on rules that vary by state or vary based on technology or service in what is a single Internet system.
- **Protections for Safe User Experience.** A comprehensive plan should include standardized terms of service to maintain a safe, enjoyable user experience, including enforceable consequences for hateful activity. These should include clear directives against blocking or discriminating against any lawful Internet traffic, as well as specific and timely review and appeals processes. In addition, the plan should

require the disclosure of advertising practices, provide accurate information regarding the sources of political and issue advertising, and disclose how they target consumers.

- Preserve Constitutional Principles. Search warrants and other independent oversight of law enforcement are particularly important for communities of color and for religious and ethnic minorities, who often face disproportionate scrutiny. Neither private nor government databases, artificial intelligence, or search algorithms should be allowed to undermine core legal protections of privacy and freedom of association without robust due process protection. Another key tenet should be that people know and fully understand their rights and they should be communicated with in a language in which they are most comfortable.
- Diversity Mandate Across Tech Sector. The Internet and technologies sectors should release a public, comprehensive list of all diversity hiring and workplace metrics to promote accountability and to protect the legal and civil rights of all communities. Shareholders and directors should prioritize diversity in the boardroom and the C-suite.

We are at a pivotal moment for the future of the Internet, and the decisions Congress makes in the months ahead will determine whether future generations of Americans will continue to enjoy the full potential of the limitless possibilities that an open Internet offers. We urge you to consider these principles as you work to pass permanent, comprehensive Internet protection legislation, and we stand ready to assist you in that effort in the months and years ahead.

Sincerely,

MANA, A National Latina Organization
National Urban League
OCA - Asian Pacific American Advocates National Center
American G. I. Forum of the U.S.
Asian Pacific American Labor Alliance
Asian Pacific American Institute for Congressional Studies (AIPACS)
ASPIRA
Cuban American National Council, Inc.
Familia Es Familia
Filipina Women's Network
Georgia Latino Film Alliance
Hispanic Leadership Fund
Hispanic Technology and Telecommunications Partnership
International Leadership Foundation
Japanese American Citizens League
La Cocina VA
LA SED
The Latino Coalition
Latino Tech
Lawyers' Committee for Civil Rights Under Law
League of United Latin American Citizens (LULAC)
LGBT Technology Partnership & Institute

MANA de Metro Detroit
Multicultural Media, Telecom and Internet Council (MMTC)
NAACP
National ACE
National Action Network
National Association of Black Journalists
National Association of Latino Arts and Culture
National Black Caucus of State Legislators
National Black Chamber of Commerce
National Blacks in Government, Inc.
National Coalition on Black Civic Participation
National Congress of Black Women
National Federation of Filipino American Associations
National Hispanic Foundation for the Arts
National Latina/o Psychological Association
National Puerto Rican Chamber of Commerce
National Queer Asian Pacific Islander Alliance
National Organization of Black Elected Legislative (NOBEL) WOMEN
NOBOCO
Rainbow PUSH Coalition
SER Metro Detroit
SER, Jobs for Progress National, Inc.
Tech Latino: Latinos in Information Science and Technology Association
United States Black Chamber of Commerce
United States Hispanic Chamber of Commerce (USHCC)
United States Hispanic Leadership Institute (USHLI)
Voto Latino
Women's Institute for Freedom of Press