March 8, 2016

Hon. Tom Wheeler
Chairman
Federal Communications Commission
445 12th St SW
Washington, DC 20554

Re: Broadband Privacy Rulemaking

Dear Chairman Wheeler:

The undersigned organizations, on behalf of schools, libraries, and the children and community residents that rely on them, urge you to move forward now with a broadband privacy rulemaking to implement Section 222 of the Communications Act. While there are many important reasons for you to proceed with this rulemaking, we focus on the impact on child and adult Internet users who access commercial broadband in schools and libraries.

As you have often noted, the Internet is an increasingly essential part of daily life for all Americans, including for students and adults who do not have broadband access at home and rely upon access elsewhere. In fact, millions of students, teachers, families, and community residents of all ages and backgrounds utilize commercial broadband networks from schools and libraries every day. Libraries and schools also supplement home broadband access in an increasingly mobile and technology-enriched digital age.

These users should have access that will not put their personal information at risk. The Federal Communications Commission (FCC) should follow through on its recognition that broadband is a Title II common carrier service by ensuring that the privacy of all users is protected, including those at schools and libraries.

Two aspects of the school and library user broadband experience make the FCC’s rulemaking particularly meaningful. First, those who use broadband at schools or libraries have no choice in the selection of the Internet provider. Second, school and public library broadband users are unable to adopt additional personal security procedures within a complex public access environment.

Like other broadband consumers, students and library patrons expose intimate details of their lives online through communications, web searches, and media

---

1 More than a third of parents living below poverty, and almost half of their children, access the Internet at a library. “Opportunity for all? Technology and learning in lower-income families,” Victoria Rideout and Vikki S. Katz (Winter 2016) p. 15. Among students in grades 3-5, 31% report using the Internet in school to access class information through online portals. By the time students reach high school, 75% report using the Internet at school in this manner. “SpeakUp Digital Learning 24/7: Understanding Technology – Enhanced Learning in the Lives of Today’s Students” (2014) p. 3.
consumption. Yet, unlike home broadband consumers, the most technically-savvy of whom may be able to take privacy-protective steps and shield their activities, school and library patrons have little control over how their personal information is collected, stored, and shared as they access broadband services. This is especially troubling for children, who are developing a digital footprint that can track them for decades. And it is particularly problematic for other vulnerable populations who may be more likely to suffer harms related to digital redlining and algorithmic discrimination.

Further, given the nature of public broadband access, schools and libraries are not in a position to comprehensively protect these children and adults from data collection by commercial broadband providers (not to mention any subsequent data use or sharing). Unfortunately, broadband providers are in a unique position to take advantage of, and perhaps violate the privacy of, school children, library patrons, and all broadband users. Thus it is essential and appropriate that broadband providers follow strong privacy rules.

While purchasers of home broadband have limited choices in selecting a provider, the children and adults relying on school and library access have no choice whatsoever. (Indeed, children cannot even decide whether they want to go online at school at all—it is required as part of their education.2) Nor can they choose to pay more to a provider in order to have better privacy protections. And school and library patrons are limited in their technical options. Even if young children were to understand the need for or nature of a VPN—a highly unlikely proposition—the actual mechanics of their access would largely prevent them from making use of such technology.

Schools and libraries are also limited in what additional technical measures they can take to protect individuals’ privacy. Our institutions, while certainly knowledgeable about the risks, face mechanical and practical limitations in a complex public access environment. It is often infeasible, if not impossible, to install useful and easy to use encryption on all equipment. This is particularly true for E-Rate recipients who may be subject to filtering requirements to comply with the Children’s Internet Protection Act.

Given these challenges, and given child and adult reliance on school and library systems to access the Internet, it is in the public interest to ensure that commercial broadband service providers have strong privacy provisions in place not just in homes and businesses but in schools and libraries as well. Clear broadband privacy rules from the FCC are essential to ensure all systems are properly covered.

---

2 There is a groundswell of national support to better protect students’ privacy. However, recently enacted and proposed laws focus on educational technology providers and educational institutions. Whether a broadband provider is adequately protecting schoolchildren’s privacy is largely dependent on the vagaries of pre-existing procurement laws.
Privacy should not be a privilege reserved for those with time, money, and technical expertise. School children and library patrons are equally deserving of protection. We thank you for your ongoing commitment to protect communications privacy for all Americans, and look forward to working with you on this important issue.

Sincerely,

American Library Association
Common Sense Kids Action
State Educational Technology Directors Association (SETDA)

3 Many of these same privacy concerns apply to other anchor institutions as well, such as health providers, community colleges, public media, community centers, and public housing.