



EUROPEAN COMMISSION
Information Society and Media Directorate-General

The Director-General

Brussels,

Dear World Wide Web Consortium Tracking Protection Working Group:

I understand that you are receiving some representations from other public agency officials in support of your current efforts on Do Not Track ("DNT").

From my perspective, as the Director General for Information Society and Media in the European Commission and Chair of the Roundtable on Online Behavioural Advertising, I feel that you should be informed of the state of the discussion in that European Union forum.

In our meeting of 14th June 2012, Rigo Wenning, staff privacy counsel at W3C, informed the group of the state of play. There was little open discussion. From the Chair, I emphasised the following points, which I would ask you to weigh fully in your deliberations.

First, there is urgency. An early DNT deployment will be good.

Second, regarding user agents, the three tracking preferences expressions as so far drafted seem sensible.

Third, it is not the Commission's understanding that user agents' factory or default setting necessarily determine or distort owner choice. The specification need not therefore seek to determine the factory setting and should not do so, because to intervene on this point could distort the market.

Crucially, and as a different matter, the standard should foresee that at the install or first use of the browser the owner should be informed of the importance of their DNT choice, told of the default setting and prompted or allowed to change that setting.

The European Commission is at your disposal should you desire public policy input and would request to be heard alongside other partner agencies if you feel that such representations can be constructive.

I send a copy to my colleague at FTC.

(signed)
Robert Madelin