



Office of Commissioner

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

June 20, 2012

Dear World Wide Web Consortium Tracking Protection Working Group:

I respectfully disagree with the June 19, 2012 letter of Representatives Edward J. Markey and Joe Barton, Co-Chairmen, Congressional Bi-Partisan Privacy Caucus, insofar as it asserts that the Microsoft default Do Not Track (DNT) setting “allows consumers to affirmatively choose whether to permit collection of their person information and targeting of advertisements.” To the contrary, Microsoft’s default DNT setting means that Microsoft, not consumers, will be exercising choice as to what signal the browser will send.

To be sure, Microsoft’s proposed default setting solves the “accessibility” issue that has long confronted consumers who wish to implement a DNT browser setting. But it does not solve at all the fact that the recipients of the signal must still choose to honor the signal and refrain from tracking consumers and/or collecting data about them. Only this standard-setting organization’s efforts to clarify the expectations of consumers who choose to not be tracked and the obligations of those who are asked to refrain from tracking will result in a workable solution. The W3C is working diligently to achieve a consensus among the necessary stakeholders with regard to that matter.

Very truly yours,

J. Thomas Rosch
Commissioner

cc: The Honorable Edward J. Markey
The Honorable Joe Barton