



## House Committee Plans Hearing on Online Behavioral Advertising

The House subcommittee for Commerce, Trade and Consumer Protection has tentatively scheduled a hearing in early December on online privacy and the possibility of implementing a “do not track” registry. Such a registry would be similar to the “do not call” registry and would presumably let consumers opt-out of online tracking.

The hearing may also focus on aspects of the federal privacy bill (H.R. 5777, the BEST PRACTICES ACT) that was introduced by the subcommittee chairman, Bobby Rush, in July. The bill will reportedly be introduced again in the lame duck Congressional session. (We summarized this bill in a previous alert.)

Across town, the Commerce Department is reviewing a privacy report that will address online privacy. A copy of the report, which is still in draft form and may change before the final version is issued, was leaked to a reporter. According to the reporter’s summary, the Commerce Department supports self-regulation for online behavioral advertising but also proposes federal legislation that would provide baseline privacy standards for online privacy and possibly a new federal agency to oversee privacy issues.

The Federal Trade Commission is also expected to issue its report on privacy in the coming weeks. The FTC’s report will probably address industry efforts to develop a self-regulation program for online behavioral advertising. The second phase of the self-regulatory program was announced last month. It involves a new icon – called the Advertising Option icon – and a technology platform for

placing the icon on webpages where data is collected for behavioral advertising purposes. Although not operational yet, the program will allow consumers an easy way to identify ads that target them through use of behavioral data and will allow consumers to opt-out of the use of such data. The program will also include compliance, monitoring and enforcement features.

We will keep you up to date on the many developments relating to online privacy, and behavioral advertising in particular, in the coming months.

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