



April 2, 2012

National Telecommunications and Information Administration  
U.S. Department of Commerce  
1401 Constitution Avenue, N.W.  
Room 4725  
Washington, DC 20230

**Re: Docket No. 120214135-2135-01**

Dear Mr. Burstein,

I hereby submit the attached comments on behalf of the Marketing Research Association (MRA) in response to the NTIA's March 5, 2012 Request for Public Comments, "Multistakeholder Process To Develop Consumer Data Privacy Codes of Conduct."

Sincerely,

A handwritten signature in black ink, appearing to read 'Howard Fienberg', is written over a light gray signature line.

Howard Fienberg, PLC  
Director of Government Affairs  
Marketing Research Association (MRA)

**Before the  
United States Department of Commerce  
Office of the Secretary  
National Telecommunications and Information Administration**

In the Matter of: )  
)  
Multistakeholder Process To Develop )  
Consumer Data Privacy Codes of )  
Conduct ) **Docket No. 120214135-2135-01**  
)  
)

**COMMENTS OF THE MARKETING RESEARCH ASSOCIATION (MRA)**

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## 1. Introduction

In releasing its “Consumer Privacy Bill of Rights” on February 23, the White House proposed to convene a “multistakeholder process” whereby “stakeholders who share an interest in specific markets or business contexts,” come together in “transparent, open forums” to develop enforceable codes of conduct for U.S. companies. It then fell to the National Telecommunications and Information Administration (NTIA) to request comments on how best to start implementing that process.<sup>1</sup>

## 2. The importance of broad stakeholder involvement in crafting codes of conduct

The Marketing Research Association (MRA), the leading and largest association dedicated solely to promoting the interests of the survey and opinion research profession,<sup>2</sup> has watched and been a part of many debates in the nation’s capital on issues of consumer and data privacy over the years. Unfortunately, it is common for the highest-profile players in industry and activism to guide the discussions and eventual outcomes, even set the terms of the debate, regardless of how the issues at hand impact others.

Just as in drafting legislation and regulation, the crafting of industry codes of conduct requires that all industries potentially impacted by such codes be given the opportunity to participate and shape them. This includes stakeholders not discussed directly in most public debates, but impacted by most decisions regarding privacy, such as survey and opinion research.

As MRA noted in our comments on the original “Green Paper”,<sup>3</sup> agencies and policymakers cannot design a one-size-fits-all approach to privacy, particularly since certain industries and processes, such as survey and opinion research, bear so little resemblance to more commonly understood processes like e-commerce and marketing.

Even in the self-regulatory processes in various industries, MRA has recently expressed concerns about unintended consequences. While we appreciate that the Digital Advertising Alliance’s “Principles for Multi-Site Data” excluded survey and opinion research (termed “Market Research or Product Development”) from the coverage of their online behavioral tracking choice program,<sup>4</sup> we do worry that the Alliance is the one defining such research. No associations representing marketing researchers are a part of this coalition, just companies and organizations who conduct and are primarily interested in advertising. Even if

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<sup>1</sup> Consumer Data Privacy in a Networked World: A Framework for Protecting Privacy and Promoting Innovation in the Global Digital Economy, February 2012, available at <http://www.whitehouse.gov/sites/default/files/privacy-final.pdf>

<sup>2</sup> MRA’s membership includes large and small companies, non-profit organizations, academic institutions, and government entities. MRA promotes, advocates and protects the integrity of the research profession and strives to improve the research process, research participation and research quality.

<sup>3</sup> MRA comments on the Department of Commerce “Green Paper” on privacy: [http://www.ntia.doc.gov/comments/101214614-0614-01/attachments/MRA\\_comments\\_DOC\\_privacy\\_1-28-11.pdf](http://www.ntia.doc.gov/comments/101214614-0614-01/attachments/MRA_comments_DOC_privacy_1-28-11.pdf)

<sup>4</sup> <http://www.aboutads.info/resource/download/Multi-Site-Data-Principles.pdf>

the Alliance gave extensive thought to online behavioral tracking for research purposes, the Alliance members are not research companies, they do not represent researchers, and they are not research experts.

Thus, MRA wishes to ensure that any codes of conduct developed by the multistakeholder process incorporate a broad range of potentially impacted stakeholders, rather than simply the usual suspects.

### **3. Conclusion**

MRA looks forward to continuing discussions and the multistakeholder privacy processes. As with the comprehensive privacy legislation proposed in Congress, the devil is more in the details than in the philosophical concepts. We will continue to focus our attention on the actual details and the real or expected impact on survey and opinion research – in the U.S. and around the world. We appreciate the opportunity to participate.