

FTC Advisory Committee on Online Access and Security

Access # 2 - Entities

I. Personal Information that is Affirmatively Provided by a Consumer to a Commercial Web Site

- A. If personal information is shared among **affiliates**, what are the obligations to provide access to the information stored by, or among, affiliates?
- Does it make a difference as to the type and purpose of sharing (*e.g.*, if the information is shared among affiliates for purposes of servicing an account, as opposed to for marketing purposes)?
- B. If personal information is shared with **third-parties**, what are the obligations to provide access to information given to third-parties?
- Does it make a difference as to whether the information is shared for the purpose of servicing or administering a customer's account or relationship, as opposed to shared for marketing purposes?
- C. If personal information is shared with **joint-venture partners** or as part of **joint marketing arrangements**, what are the obligations to provide access to information?
- D. Does it make a difference whether the information is kept in a **central** data source (location) or **dispersed** among sources?
- E. Does it make a difference as to the **type** of personal information provided? Is access to certain types of information (*e.g.*, financial or health information) more critical?
- F. Does it matter whether the personal information is provided **voluntarily**, as a **condition for use** of a web site, or is **required by law**?

II. Personal Information that is Derived by a Commercial Web Site

- A. If personal information is shared among **affiliates**, what are the obligations to provide access to information stored by affiliates?
- Does the **character** of information matter? For example, if the entity collects qualitative information (*e.g.*, reasons why a customer was referred to a different affiliate for service; explanation of how the

customer was upset by service) should that information be subject to access?

- B. If personal information is shared with **third-parties**, what are the obligations to provide access to information given to third-parties?
- C. If personal information is shared with **joint-venture partners** or as part of **joint marketing arrangements**, what are the obligations to provide access to information?
- D. Does it make a difference whether the information is kept in a **central** data source (location) or **dispersed** among sources?
- E. Merged databases
 - 1. When one owner of a database **merges** its database with the database of another database owner, what responsibilities should be required for access to the resulting (merged) database? For the companies? For the affiliates? For joint-venture parties? Other contractors? Third-parties?
 - 2. What are the responsibilities of a third company who buys/shares the resulting database?

III. **Personal Information that is Passively Collected by a Commercial Web Site (e.g., chat room logs; interactive fora)**

- A. If personal information is shared among **affiliates**, what are the obligations to provide access to information stored by affiliates?
 - Does it make a difference whether the information is stored for **archival** or **litigation** defense purposes versus continuously published or posted on a web site?
- B. If personal information is shared with **third-parties**, what are the obligations to provide access to information given to third-parties?
- C. If it is shared with **joint-venture partners** or as part of **joint marketing arrangements**, what are the obligations to provide access to information?
- D. Does it make a difference whether the information is kept in a **central** data source (location) or **dispersed** among sources?
 - If the information is dispersed, should other factors, including cost of collection, be considered, such as the amount of data stored in

dispersed locations (*e.g.*, chat material that is dispersed across many chat rooms)?

IV. Miscellaneous

- A. What is an affiliate for this purpose? Is it the same for joint venture arrangements or strategic partnerships, etc.?
- B. To what extent should an affiliate and/or the parent provide notice and choice. Does the parent providing notice and choice to the consumer cover the affiliates? Does each affiliate have to provide its own respective notice and choice?
- C. To what extent should the degree of difficulty and **cost** of providing access across multiple parties in any of these arrangements bear on the frequency, fee, quality, or other characteristics of access? What are the guideposts for “**reasonableness**” under the circumstances?
- D. To what degree, if any, does the customer’s **existing relationship** with the commercial web site operator or collector of information bear on the type of access provided?