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From: DavidOtano@

Posted At: Wednesday, March 10, 2004 2:54 PM

Posted To: spywareworkshop2004

Conversation: Monitoring Software on Your PC: Spyware, Adware, and Other Software

Subject: Monitoring Software on Your PC: Spyware, Adware, and Other Software

3/10/2004

re: H.R. 2929, the Safeguard Against Privacy Invasions Act

I am writing against "spyware, adware, and malware" used by nay type of company (hardware, software or snack food) to gather information or any type of consumer "data, statistics" or whatever.

Spyware, adware or malware should not be imbedded in software agreements. It should be a separate agreement not tied to the purchase nor the free use of software. The creators of these viri should not disable any functionality of the software you are buying should you decide not to accept their agreement for the installation of "spyware, adware, malware" or any information extraction software.

The probable number one retort you will get to the above paragraph (by the sleazier software companies) is that, "malware, adware, spyware" is necessary for copyright protection, projection data or business intelligence analysis. An answer would be that these companies or individuals have an ineffective method of conducting business and perhaps their business model and/or methods of distribution should be "upgraded." Software companies do and have made money selling software in the past without "spyware, malware or adware."

Companies or individuals that create "spyware, malware, adware" (or whatever type of information extraction method is used) should submit such software (code) along with a method to permanently remove this software to the appropriate government bodies, antivirus, firewall and data communication companies, and to www.EPIC.org or face fines for not providing this information in a timely manner (one year before implementation).

Just imagine "malware, spyware, adware" (a virus) your computer, a hospital or DOD PC sending out your data. Most firewalls, IDS, NIDS, PIDS protect against known or "perhaps" anomalous information coming in but not necessarily outgoing data from a networked or non-networked PC.

I hope that any forthcoming legislation also apply to foreign companies and that data already gathered be kept in such a way that it is protected by consumer privacy laws.

Sincerely,

David Hernandez
CA