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Federal Trade Commission

Spyware Workshop <http://www.ftc.gov/opa/2004/02/spyware.htm>

Dear FTC Commissioners:

Thank you for holding this workshop. I regret that I am unable to attend in person and appreciate this opportunity to submit this email testimony to the Commission.

It is incredulous that we have laws against eavesdropping and protecting basic privacy, and yet the federal government currently allows companies to clandestinely install spyware on computers without the express consent of the computer user.

Spyware and cookies installed without permission ultimately will injure ecommerce unless the federal government takes action. In the early 1970s, the mail order business was threatened by unscrupulous businesses which collected money from consumers and didn't ship the products—claiming they were waiting for shipments. Then, in 1976, a federal law was passed making criminal the act of taking money without shipping within 7 days, unless the consumer was notified and agreed to the delay. . The mail order industry ultimately benefited from this law because it allowed consumers to develop confidence in mail order (and now online) commerce.

Similarly, the FTC should immediately promulgate rules against spyware, and ask Congress for additional laws making it criminal to install spyware without the express expiring permission of the computer user. For example, a company waiting to install a cookie or spyware on my PC should have a pop-up telling me such, and I should have to opt-in for a period of 1, 3 or 6 months maximum. Then, after this period, I should be asked again. No company should be allowed to install spyware or cookies without a fixed expiration date on which they must again ask for my continued permission. Spyware companies should also be forced to tell consumers, and the FTC, what they do with all collected information.

In addition, aside from violating the basic right to privacy of every American citizen, spyware currently costs the U.S. economy tens of millions or potentially hundreds of millions in reduced PC productivity. The anti-spyware industry, with sales exceeding \$50 million and rising rapidly, is in effect an unwanted tax on consumers who are forced to spend money just to protect their privacy because their federal government is not adequately protecting their privacy.

Thank you for this opportunity to comment.

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