

**Question for written answer E-004780/2016
to the Commission**

Rule 130

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Subject: Data use and insight into user activity through webmail and messaging, social networks, search engines and internet-based advertising

In its opinion No 4/2016, the European Data Protection Supervisor (EDPS) requests clarification on the roles of the Federal Trade Commission (FTC) and the Federal Communications Commission (FCC) in relation to internet service providers (ISPs). In March 2016, the FCC put forward privacy protection proposals for the ISP sector. However, these rules do not apply to over-the-top service providers (OTTs), which handle most user-generated data. This does not reflect how the internet works and goes against the Commission's new proposals.

The FCC seems to be choosing a heavier regulatory approach for ISPs than for American edge providers, considering that several European ISPs are active in the US^{1,2}.

As non-ISPs have unique insight into user activity through webmail, messaging, search engines etc., dominate in cross-context tracking through social networks, and dominate in cross-device tracking through smartphones:

1. Is the Commission aware of recent developments and does it intend to ask for clarification on the roles of the US agencies?
2. Is the US applying a double standard if, while in transatlantic discussions it insists that FTC rules are fair and robust, but in domestic discussions it argues that these same rules are not good enough for US citizens?
3. Apart from the General Data Protection Regulation (GDPR), how does the Commission envisage protecting European consumers from the collection, use and commercialisation of data?

¹

https://secure.edps.europa.eu/EDPSWEB/webdav/site/mySite/shared/Documents/Consultation/Opinions/2016/16-05-30_Privacy_Shield_EN.pdf

² https://apps.fcc.gov/edocs_public/attachmatch/FCC-16-39A1.pdf