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Sent: Friday, October 18, 2019 12:22 PM
To: privacyframework <privacyframework@nist.gov>
Subject: i2Coalition RFC response on NIST PRIVACY FRAMEWORK

See attached.

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Request for Comment on NIST PRIVACY FRAMEWORK

The Internet Infrastructure Coalition (“i2Coalition”) submits these comments in response to the September 6, 2019 notice requesting public comment on “NIST Privacy Framework: A Tool For Improving Privacy Through Enterprise Risk Management”.

Our comments are divided into sections: i2Coalition Background, Overview, Promoting an Effective and Realistic Approach to Privacy, and Conclusion.

i2Coalition Background

The i2Coalition provides a global voice for the people and companies building the nuts and bolts of the Internet. We believe the continued growth of the Internet is vital for growing an environment of innovation and seek to foster success of the Internet and Internet infrastructure industry.

The i2Coalition supports copyright policies that preserve the remarkable opportunities offered by a free and open Internet, while balancing the rights of rights holders of all types.

The i2Coalition represents a large swath of Internet infrastructure companies and related technology firms. Our membership is a collection of hundreds of companies that generated the infrastructure on which the digital economy sits. In 2016 the U.S. exported over \$185 billion in digitally-enabled services to Europe and imported \$111 billion from Europe, generating a trade surplus with Europe in this area of at least \$74 billion¹. U.S. exports of digitally-enabled services to Europe were more than double U.S. exports to Latin America and almost double U.S. exports to the entire Asia-Pacific region. As an organization, we believe that the full innovative potential of the Internet can only be harnessed if its inherent openness is preserved and made available to all, not just the giants of the industry.

¹ Page 25 of the AmCham "EU THE TRANSATLANTIC ECONOMY 2018 - Annual Survey of Jobs, Trade and Investment between the United States and Europe" (http://www.amchameu.eu/sites/default/files/publications/files/transatlantic_economy_report_2018.pdf)

Overview

The i2Coalition is proud to have been an active contributor to the process that brought about the NIST Cybersecurity Framework (CSF)². The NIST Cybersecurity Framework was a success because it was a collaboration with industry, technology-neutral, and voluntary. The proposed NIST Privacy Framework is a welcome addition to that strong work. It effectively balances privacy and cybersecurity risk while maintaining flexibility and viable implementation for service providers to implement.

Promoting an Effective and Realistic Approach to Privacy

The framework as presented does an effective job of acknowledging that there are many valid methods of achieving privacy, and offers organizations the option of choosing different types of protection outcomes, to suit their business environments and allow them to meet the privacy needs of individuals who use their services.

Like the CSF before it, the NIST Privacy Framework has benefitted from the multi-stakeholder model which considers policy outcomes as well as technical and organizational realities.

Both documents help organizations assess their own risks and achieve their particular goals. In short, the framework does a good job of not being a simple one-size-fits-all checklist of action items.

Why is this important? Because it is vital for tech solutions to scale down, and be accessible to small businesses.

Purveyors of Internet services are mostly small or medium sized businesses, and yet all too often when legislators are seeking to find their own solutions to problems they do so with only a few large organizations in mind.

That isn't the way an approach to privacy can reasonably be built. One company might have more risks, for example, and might need to have a chief privacy officer, while another might not. Each company has its own potentially unique situation when it comes to privacy. The NIST Privacy Framework acknowledges this.

² Framework for Improving Critical Infrastructure Cybersecurity, Version 1.1, National Institute of Standards and Technology, April 16, 2018, <https://nvlpubs.nist.gov/nistpubs/CSWP/NIST.CSWP.04162018.pdf>

Conclusion

i2Coalition is proud to endorse the NIST Privacy Framework, and believe that it is poised to be an effective partner to the already beneficial NIST Cybersecurity Framework. Governments should look to the way that NIST has operated the creation of both frameworks as a way to collaborate with industry on solving complex problems at a number of different scales.

Privacy risk management practices are really in their infancy, and we expect that the NIST Privacy Framework will continue to adapt and change, as the CSF has. i2Coalition looks forward to an ongoing dialogue that can help the NIST Privacy Framework continue to mature and improve.