

Congress of the United States

Washington, DC 20515

September 26, 2011

The Honorable Jon Leibowitz
Chairman
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20001

Dear Chairman Leibowitz:

According to a report last month in the Wall Street Journal ("Latest in Web Tracking: Stealthy 'Supercookies', August 18, 2011), companies such as MSN.com and Hulu.com are installing files called "supercookies" on users' computers. These supercookies allow websites to gain personal data about its users.

Supercookies differ from regular cookies because, unlike regular cookies, consumers are not aware these files are hidden on their web browser, and they cannot be deleted. Supercookies are also different because they have the ability to re-create a user's profile even after the deletion of regular cookies.

As Co-Chairs of the Congressional Bi-Partisan Privacy Caucus, we believe this new business practice raises serious privacy concerns and is unacceptable. We are also very concerned about the extent of this practice by websites as well as the impact supercookies have on consumers. Furthermore, we believe the usage of supercookies takes away consumer control over their own personal information, presents a greater opportunity for the misuse of personal information, and provides another way for consumers to be tracked online.

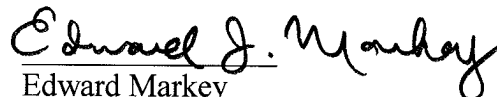
In an effort to protect consumers, we are interested in any actions the Federal Trade Commission (FTC) has taken or plans to take to investigate the usage and impact of supercookies on the Internet and consumers. We believe that an investigation of the usage of supercookies would fall within the FTC's mandate as stipulated in Section 5 of the Federal Trade Commission Act with respect to protecting Americans from "unfair and deceptive acts or practices".

Thank you for your attention to this important matter. If you have any questions, please have a member of your staff contact Emmanuel Guillory in Congressman Barton's office (202-225-2002) or Joseph Wender in Congressman Markey's office (202-225-2836).

Sincerely,



Joe Barton
Co-Chairman
Congressional Bi-Partisan Privacy Caucus



Edward Markey
Co-Chairman
Congressional Bi-Partisan Privacy Caucus