

Appendix A: Earthlink and Google Proposals

	Recommended Privacy and 1st Amendment Protections	Earthlink (monthly charge)	Google (no fee)
What personal information is collected about users?	None, if possible. Anonymous and pseudonymous access should be available.	Name, address, telephone number, billing information, computer info.	Email address.

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How is this information used?	Only for purposes necessary to operation of the network.	For provision of service and marketing.	To authenticate and login users.

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How long is this information stored?	A data retention schedule should specify that data are kept only for so long as needed to operate the network.	As long as needed for business purposes.	Account usage information deleted regularly; never stored more than 180 days.

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With whom is this information stored?	Only when necessary for operation of the network.	With affiliates.	With third parties (with opt out rights).

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Is this information commercialized in any way?	Providers should not commercialize personal information without voluntary, opt-in consent.	To market Earthlink services, and to third parties (with opt out rights).	Yes, used for personalized content and advertising.

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Is this information correlated to a specific user, device or location?	Providers should correlate information to specific users, devices, or locations only to the extent necessary to operate the network.	Yes.	Yes, but it is regularly deleted.

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Are mechanisms available to allow users to opt in or opt out of any service that collects, stores, or profiles information on the searches performed, websites visited, e-mails sent, or any other use of the Network?	Opt in should be the standard for services that exceed the basic function of providing individuals with Internet access.	Opt-out.	Opt-in for sensitive information; opt-out for other information. But this does not explain how the free service profiles and targets users based on surfing behavior.

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Are mechanisms available to allow users to opt in or opt out of any service that tracks information about the user's physical location?	Providers should take all reasonable steps to enable location-based services without creating a tracking or logging mechanism that will create records of individuals' location.	Opt-out, once node-level tracking is available.	Non-responsive.

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Are users enumerated or assigned any unique number that can be used to track them from session to session?	Providers should take all reasonable steps to design the system to prevent enumeration from session to session. Providers should obtain a user's voluntary affirmative consent before enumerating users across sessions.	Cookies are used, as is Doubleclick.	Cookies are used, but it appears as though users can disable them.

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Are policies in place to respond to legal demands for users' personal information in accordance with applicable laws?	Providers should follow Cable Policy Act standards by giving the user notice of the legal demand before complying.	May disclose at company's sole discretion, policy does not specify whether notice to the user is given.	Yes, but policy does not specify whether notice to the user is given.

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Are users allowed access to all information collected about them?	Users should be able to access personal information collected and maintained by the provider and its affiliates or partners.	May access registration information.	Yes.

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Are users provided with a mechanism to review this information and to correct inaccuracies or delete information?	Providers should extend reasonable opportunities for users to correct or delete personal information collected and maintained by the provider and its affiliates or partners.	Offers access and modification to personal information, but no apparent deletion.	Yes.