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Commerce Department Seeks Comments on Internet of Things Policy Issues

On April 6, the National Telecommunications and Information Administration (NTIA), part of the U.S. Department of Commerce, issued a Request for Comment (RFC) seeking public feedback on the benefits, challenges, and potential roles for the government in fostering the advancement of the Internet of Things (IoT).

NTIA issued the RFC as part of the Commerce Department's Digital Economy Agenda, which, among other things, is meant to identify and address leading public policy and operational challenges in the Internet ecosystem. Noting that thus far no U.S. government agency has taken a holistic, ecosystem-wide view that identifies opportunities and addresses the risks of IoT across the digital economy, NTIA explained that it is seeking broad input from all interested stakeholders and will use that input to draft a "green paper" on key IoT issues. Comments are due on or before 5 p.m. Eastern Time May 23, 2016.

The RFC explicitly invites comments on the full range of issues related to IoT. However, it also identifies several specific questions that are classified into seven categories.

1. *General IoT Issues.* The RFC first sets forth questions addressing overarching questions regarding IoT development, including:

   ■ Whether there are challenges and opportunities arising from IoT similar to those that governments and societies have previously addressed with existing technologies;

   ■ What definitions government agencies should use in examining the IoT landscape and why, and what the strengths and limitations of those definitions are;

   ■ Whether there are current or planned laws, regulations, and/or policies applying to IoT that either foster or unnecessarily inhibit its development;

   ■ Whether there are ways to divide or classify the IoT landscape to improve the precision with which public policy issues are discussed; and

   ■ Whether there are initiatives or research of significance that have examined or made important strides in understanding the IoT policy landscape.

2. *Technology*: The RFC explains that it is important to understand what technological hurdles still exist or may arise in the development and deployment of IoT, and addresses the importance of determining if the government can play a role in mitigating those hurdles and asks:

   ■ Whether certain technological issues such as (i) interoperability; (ii) insufficient/contradictory/proprietary standards/platforms; (iii) spectrum availability and

potential congestion/interference; or (iv) the availability of network infrastructures can hinder the development of IoT;

- What the government can do to mitigate these technical issues and where government/private sector partnership may be beneficial; and

- What factors the federal government should consider when prioritizing its technical activities with regard to IoT and its applications and why.

3. *Infrastructure.* The RFC notes that infrastructure investment, innovation, and resiliency will provide the foundation for the rapid growth of IoT services and asks:

- How IoT will place demands on existing infrastructure architectures, business models, or stability;

- Whether there are ways to prepare for or minimize IoT disruptions in these infrastructures; and

- What role the government might play in bolstering and protecting the availability and resilience of these infrastructures to support IoT.

4. *Economy*: The RFC also describes how IoT has already begun to alter the U.S. economy by enabling the development of innovative consumer products and entirely new economic sectors. Along these lines, the RFC asks:

- Whether the government should quantify and measure the IoT sector, and if so, how;

- Whether the government should measure the economic impact of IoT, and if so, how; and

- What impact might the growth of IoT have on the U.S. workforce.

5. *Policy Issues*: Noting that a growing dependence on embedded devices raises questions about the confidentiality of personal data, the integrity of operations, and the availability and resilience of critical services, the RFC asks:

- What the main policy issues are that affect or are affected by IoT, and how the government should respond to them;

- How the government should address or respond to cybersecurity and privacy concerns about IoT;

- Whether there are other consumer protection issues that are raised specifically by IoT; and

- In what ways IoT could affect and be affected by questions of economic equity.

6. *International Engagement*: The RFC explains that efforts have begun in foreign jurisdictions, standards organizations, and intergovernmental bodies to explore the potential of, and develop standards, specifications, and best practices for IoT. It therefore asks:

- What factors the Commerce Department should consider in its international engagement in (i) standards and specification organizations; (ii) bilateral and multilateral engagement; (iii) and industry alliances;

- What issues regarding IoT the Commerce Department should focus on through international engagement;

- Whether there are Internet governance issues now or in the foreseeable future specific to IoT;

- ◾ Whether there are policies that the government should seek to promote with international partners that would be helpful in the IoT context; and

- ◾ What factors can impede the growth of IoT outside the U.S. or otherwise constrain the ability of U.S. companies to provide those services on a global basis.

7. *Additional Issues Regarding Collaborative Efforts*: Finally, the RFC sets forth questions regarding how best to engage in collaborative efforts, including:

- ◾ Whether there are IoT policy areas that could be appropriate for multi-stakeholder engagement;

- ◾ What role the Commerce Department should play within the federal government in helping to address the challenges and opportunities of IoT, and how best can the Commerce Department collaborate with stakeholders on IoT matters; and

- ◾ How the government and private sector should collaborate to ensure that infrastructure, policy, technology, and investment are working together to best fuel IoT growth and development.

If you have any questions concerning the material discussed in this client alert, please contact the following members of our firm:

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