

of Advance, Advance, Missouri; The First National Bank of Lerna, Lerna, Illinois; and Bowen State Bank, Bowen, Illinois.

Board of Governors of the Federal Reserve System, September 14, 1999.

Robert deV. Frierson,

Associate Secretary of the Board.

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DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

FEDERAL TRADE COMMISSION

[Docket No. 990811219-9219-01]

Public Workshop on Online Profiling

AGENCIES: National Telecommunications and Information Administration, Commerce; Federal Trade Commission.

ACTION: Notice; request for public comment.

SUMMARY: The National Telecommunications and Information Administration ("NTIA") of the United States Department of Commerce and the Federal Trade Commission have determined to hold a public workshop on "online profiling," the practice of aggregating information about consumers' preferences and interests, gathered primarily by tracking their movements online, and using the resulting consumer profiles to create targeted advertising on Web sites. The workshop will be divided into three sessions. Session I will explore developments in information technology that facilitate online profiling. Session II will examine the implications of online profiling technologies for consumer privacy. Session III will focus on the online profiling industry's self-regulatory efforts to protect consumers' privacy online. Any person who wishes to participate as a panelist in one or more of the workshop sessions must file a written request to participate. In addition, the agencies are requesting public comment addressing various issues related to the practice of online profiling.

DATES: The workshop will be held on November 8, 1999 at the U.S. Department of Commerce, Main Auditorium, 1401 Constitution Ave., NW, Washington, DC 20230. The workshop is open to the public.

Written comments and requests to participate as a panelist in the workshop must be filed on or before October 18,

1999. Persons filing requests to participate as a panelist will be notified on or before October 25, 1999, if they have been selected to participate.

ADDRESSES: Written comments and requests to participate as a panelist in the workshop should be submitted to Secretary, Federal Trade Commission, Room H-159, 600 Pennsylvania Avenue NW, Washington, DC 20580.

Submission of Documents

Parties sending written comments and/or requests to participate should submit an original and two copies of each document. To enable prompt review and public access, paper submissions should include a version on diskette in PDF, ASCII, WordPerfect (please specify version) or Microsoft Word (please specify version) format. Diskettes should be labeled with the name of the party, and the name and version of the word processing program used to create the document. Alternatively, documents may be submitted to the following email address: profile@ftc.gov.

Written Comments

Comments should be captioned "Online Profiling Project—Comment, P994809 / Docket No. 990811219-9219-01." Rebuttal comments should be submitted following the procedures described above. All comments will be posted on the Federal Trade Commission's Web site: www.ftc.gov and on the NTIA's Web site: www.ntia.doc.gov.

Requests To Participate as Panelist in the Workshop

Requests to participate as a panelist should be captioned "Online Profiling Project—Request to Participate, P994809 / Docket No. 990811219-9219-01."

Parties may apply to participate as a panelist in more than one workshop session. Requests to participate, however, must specify the session(s) in which participation is sought. Parties applying to participate are also encouraged to file written comments.

Requesters will be notified on or before October 25, 1999, if they have been selected to participate in workshop sessions. To assist staff of the Department of Commerce and the Federal Trade Commission in making this notification, parties are asked to include in their request to participate a telephone number, facsimile number, and email address if available.

FOR FURTHER INFORMATION CONTACT: Wendy S. Lader, NTIA, U.S. Department of Commerce, 1401 Constitution Avenue, NW, Washington, DC 20230, telephone (202) 482-1880, email

wlader@ntia.doc.gov; or Martha K. Landesberg, Division of Financial Practices, Federal Trade Commission, 600 Pennsylvania Avenue, NW, Mail Stop 4429, Washington, DC 20580, telephone (202) 326-2825, email mlandesberg@ftc.gov.

SUPPLEMENTARY INFORMATION:

Authority: 15 U.S.C. 41 *et seq.*; 47 U.S.C. 902(b)(2)(H); 47 U.S.C. 902(b)(2)(M).

1. Background

In July 1998, Vice President Gore asked the Department of Commerce to work with the Federal Trade Commission to encourage companies that build dossiers (profiles) about individuals by integrating information from a variety of database sources to implement effective self-regulatory mechanisms. The Department of Commerce and the Federal Trade Commission have been working together to explore ways in which consumer privacy can be protected in light of the rise of new technologies that facilitate "online profiling," the practice of aggregating information about consumers' preferences and interests, gathered primarily by tracking their movements online, and using the resulting consumer profiles to create targeted advertising on Web sites. Profiling typically employs "cookies," text files placed on users' computers to store information about their computers and their online activities. Companies are involved in a wide array of activities that support online profiling. For example, some companies develop profiling software and license it to Web sites that wish to track their own visitors; others manage networks of sites, pool data about consumers who visit sites in those networks, and sell or place online advertising based upon inferences about consumers drawn from the pooled data; still others specialize in measuring the popularity of particular online advertisements for advertisers. Privacy concerns have been raised by many of these practices. Consumers are largely unaware of the creation of online profiles, and the implementation of core fair information practices of notice, choice, access and security with respect to the collection of information in online profiles remains a significant challenge. The Department of Commerce and the Federal Trade Commission are announcing a public workshop to be held on November 8, 1999, to inform government officials and the public about these and related issues, and about industry's current self-regulatory efforts to develop privacy protections for online consumers.

2. Workshop Agenda

The workshop will be held on November 8, 1999 at the U.S. Department of Commerce, Main Auditorium, 1401 Constitution Ave., NW, Washington, DC 20230. The tentative schedule for the workshop is as follows: the workshop will begin at 8:30 a.m. and will consist of three sessions, which will run consecutively.

Session I: Online Profiling Technology

This session will explore information technologies that facilitate profiling of consumers online, both technologies that are currently in use and those in development. This session will focus particularly on the extent to which these technologies permit the integration of information that identifies consumers as individuals with non-identifying information.

Session II: Implications of Online Profiling Technology for User Privacy

This session will examine the extent to which online profiling technologies impinge upon consumer privacy, as well as the costs and benefits of online profiling for both consumers and businesses.

Session III: The Role of Self Regulation

This session will examine the potential of self-regulation as a means of addressing the privacy concerns raised by online profiling. This session will also examine ways in which profiling technology can be deployed to promote adherence to fair information practices. Current efforts to implement fair information practices in the profiling industry will be discussed.

3. Participation in Workshop Sessions

Those parties who wish to participate as panelists in the workshop must notify the Secretary of the Federal Trade Commission, in writing, of their interest in participating in Sessions I, II, and/or III on or before October 18, 1999. Parties may participate in more than one workshop session; requests to participate must specify the session(s) in which participation is sought. All workshop sessions are open to the public.

Staff of the Department of Commerce and the Federal Trade Commission will select a limited number of panelists to participate in the Workshop Sessions. In order to promote a thorough examination of the issues and to facilitate an effective discussion, participants will be chosen to represent different points of view and interests. Parties requesting to participate are therefore encouraged to file written comments. The agencies may invite

parties to participate as panelists who have not filed requests to participate.

Parties will participate in an open discussion of the issues. It is contemplated that the selected panelists will ask and answer questions based on their respective comments, including questions posed by staff of the Department of Commerce and the Federal Trade Commission, at the workshop. The discussion will be transcribed and the transcription placed on the public record.

To the extent possible, staff of the Department of Commerce and the Federal Trade Commission will select panelists to represent the following affected interests, as well as any other interests that staff may identify and deem appropriate for representation. For Session I: online profiling companies; Web site operators; online advertisers; experts in profiling technology and software. For Session II: consumer and privacy advocacy groups; industry groups; Internet service providers; Web site operators; online marketers; Internet "portal" sites; consumers who are active on the World Wide Web. For Session III: online profiling companies; Web site operators; online advertisers; Internet "portal" sites; industry groups; consumer and privacy advocacy groups. Each session may also include members of the academic or research community with expertise in privacy, fair information practices, and/or consumer preferences with respect to the use of personal information in the online environment.

Parties to represent the above-referenced interests will be selected on the basis of the following criteria:

1. The party's participation would promote a balance of interests being represented at the workshop.
2. The party has expertise in or knowledge of the issues that are the focus of the workshop.
3. The party adequately reflects the views of the affected interest(s) which it purports to represent, not simply a single entity or firm within that interest.
4. The party has been designated by one or more interested parties (who timely file written comments and requests to participate) as a party who shares group interests with the designator(s).

5. The number of parties selected will not be so large as to inhibit effective discussion among them.

If it is necessary to limit the number of panelists, those not selected to participate may be afforded an opportunity at the end of the workshop to present their views during a limited time period. The time allotted for these statements will be determined on the

basis of the time necessary for discussion of the issues by the selected parties, as well as by the number of persons who wish to make statements.

4. Invitation To Comment

Interested parties are requested to submit written comments on any issue of fact, law, or policy that may inform the U. S. Department of Commerce and the Federal Trade Commission's study of online profiling. Specifically, comment is requested on the questions set forth below. These questions are designed to assist the public, however, and should not be construed as a limitation on the issues on which public comment may be submitted. Comments should cite the number of the question(s) addressed. Please provide copies of any studies, research, or other empirical data referenced in comments.

1. What types of companies are engaged in online profiling or in the development of online profiling technologies? What are the relevant business models?
2. What types of information are currently being collected by online profiling companies from or about Web site visitors?
3. What technologies do online profiling companies use to collect information about consumers? Please describe how these technologies function.
4. Do these technologies currently enable creation of anonymous profiles?
5. Do these technologies currently enable the creation of consumer profiles that identify individual consumers? Do the profiles include information originally collected anonymously but later linked to an individual? Are online profiling companies currently creating such profiles?
6. Are there technologies in development that will enable the creation of consumer profiles that identify individual consumers? If so, please describe.
7. How is the information collected by online profiling companies used?
8. Is the information collected by online profiling companies being merged with other databases? If so, what kinds of information are included in such databases? How is the merged information being used?
9. What are the costs and benefits, to both industry and consumers, of online profiling?
10. What are consumers' perceptions about online profiling? Please provide the results of any studies or surveys addressing this question.
11. What are the beneficial uses of the information collected by online profiling companies?

12. Are consumers' privacy interests implicated by the collection, compilation, sale and use of information collected by online profiling companies? If so, please describe.

13. Do online profiling companies disclose the ultimate uses of the information they collect? If so, what is the nature of such disclosures? Where possible, please provide examples of such disclosures.

14. Do online profiling companies provide effective mechanisms for a consumer to remove his or her information from their databases or otherwise control the use of such information?

15. Do online profiling companies provide consumers an opportunity to choose whether and how their information will be collected and used? If so, please describe the choices that consumers are given and how consumers can exercise these choices.

16. What is current industry practice, with respect to information already collected from individuals, when there is a later change in the company's policies? What is the current industry practice, with respect to information already collected from individuals, when there is a material change in the corporate structure or business contracts governing such information, such as through a merger, joint venture, or sale of customer lists? Do online profiling companies provide notice and choice with respect to how already-collected information is handled under changed circumstances?

17. What, if any, legal or other practical issues would be implicated in the creation of effective self-regulatory programs to govern the sorts of changed circumstances described in Question 16?

18. Do online profiling companies provide consumers the opportunity to see what information has been collected from or about them and the ability to correct errors? If so, please describe.

19. What procedures have online profiling companies instituted to maintain the security of the information they collect?

20. What self-regulatory efforts have online profiling companies undertaken to address concerns raised by their collection, compilation, sale, and use of consumer information? How do these efforts address the fair information practice of notice, choice, access, security, and enforcement? What are the costs and benefits, to both consumers and businesses, of such self-regulatory efforts?

21. Are there any efforts currently underway or planned to educate

consumers and businesses about online profiling? If so, please describe.

5. Form and Availability of Comments

Comments should indicate the number(s) of the specific question(s) being answered, provide responses to questions in numerical order, and use a new page for each question answered.

Written comments will be available for public inspection in accordance with the Freedom of Information Act, 5 U.S.C. 552, and Federal Trade Commission regulations, 16 CFR part 4.9, Monday through Friday between the hours of 8:30 a.m. and 5:00 p.m. at the Public Reference Room 130, Federal Trade Commission, 600 Pennsylvania Avenue, NW, Washington, DC 20580. The agencies will make this notice and, to the extent technically possible, all comments received in response to this notice available to the public through the Internet at the following addresses: www.ftc.gov and www.ntia.doc.gov.

By direction of the Commission.

Donald S. Clark,

Secretary, Federal Trade Commission.

Kathy D. Smith,

Acting Chief Counsel, National Telecommunications and Information Administration, U.S. Department of Commerce.

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FEDERAL TRADE COMMISSION

[File No. 991 0288]

The Associated Ocel Company Limited; Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices or unfair methods of competition. The attached Analysis to Aid Public Comment describes both the allegations in the draft complaint that accompanies the consent agreement and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before November 19, 1999.

ADDRESSES: Comments should be directed to: FTC/Office of the Secretary, Room 159, 600 Pennsylvania Ave., NW, Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: William Baer, FTC/H-374, 600

Pennsylvania Ave., NW, Washington, DC 20580. (202) 326-2932.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and Section 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the above-captioned consent containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for September 7, 1999), on the World Wide Web, at "<http://www.ftc.gov/os/actions97.htm>." A paper copy can be obtained from the FTC Public Reference Room, Room H-130, 600 Pennsylvania Avenue, NW., Washington, DC 20580, either in person or by calling (202) 326-3627.

Public comment is invited. Comments should be directed to: FTC/Office of the Secretary, Room 159, 600 Pennsylvania Ave., NW, Washington, DC 20580. Two paper copies of each comment should be filed, and should be accompanied, if possible, by a 3½ inch diskette containing an electronic copy of the comment. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with Section 4.9(b)(6)(ii) of the Commission's Rules of Practice (16 CFR 4.9(b)(6)(ii)).

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission ("Commission") has accepted, subject to final approval, an agreement containing a proposed Consent Order from The Associated Ocel Company Limited ("Ocel"), which is designed to resolve competitive concerns arising out of Ocel's proposed acquisition of Oboadler Company Limited ("Oboadler"). Under the terms of the agreement, Ocel will be required, among other things, to supply lead antiknock compounds to Oboadler's current U.S. distributor, Allchem Industries, Inc., for resale in the United States.

The proposed Consent Order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the