

Congress of the United States
House of Representatives
Washington, DC 20515-2107

January 24, 2013

Mr. Robert A. Iger
Chairman and Chief Executive Officer
The Walt Disney Company
500 S. Buena Vista Street
Burbank, CA 91505

Dear Mr. Iger:

According to a January 7, 2013, New York Times article (“At Disney Parks, a Bracelet Meant to Build Loyalty (and Sales)”), Disney plans to introduce a new vacation management system called MyMagic+ that will substantially change how visitors experience Disney parks and resorts. Under the proposal, guests will have the option to wear radio frequency identification chips, or MagicBands, that will serve as a credit card, room key, and park ticket, among other functions. Although this change has the potential to make it easier for visitors to enjoy Disney amusement parks, the plan also raises a number of important questions about how the personal privacy of Disney’s 30 million guests each year will be protected, particularly when it comes to kids and teenagers.

This Times article reports that this spring, Disney plans to implement MyMagic+, an initiative to “make visiting Disney parks less daunting and more amenable to modern consumer behavior.” As part of this plan, Disney guests will be able to use MagicBand bracelets encoded with credit card information that will allow visitors to enter the park and purchase items with ease.

Widespread use of MagicBand bracelets by park guests could dramatically increase the personal data Disney can collect about its guests. The Times article explains that MyMagic+ “will allow Disney for the first time to track guest behavior in minute detail.” This information could include what attractions guests ride and when, what food and souvenirs they buy, and even what characters’ hands they shake. The article also explains that, “MagicBands can also be encoded with personal details, allowing for more personalized interaction with Disney employees.” These details could include park employees knowing your name or even if you are celebrating your birthday.

Collecting information about how guests use Disney amusement parks could improve the company’s ability to target advertisements at its guests, including children. The Times article points out: “If you fully use MyMagic+, databases will be watching, allowing Disney to refine its offerings and customize its marketing messages.” Although kids should have the chance to meet Mickey Mouse, this memorable meeting should not be manipulated through surreptitious use of a child’s personal information.

As a Co-Chairman of the Congressional Bi-partisan Privacy Caucus, I am deeply concerned that Disney's proposal could potentially have a harmful impact on our children. I request written responses to the following questions:

1. Will Disney guests be required to use MagicBand? Please explain.
 - a. For guests that use MagicBand, will those guests be given an option to decide whether to share personal information with your company? If no, why not?
 - i. If yes, will consumers be given a choice to opt-in to information sharing or opt-out from information sharing? Please explain how and when guests will be given this choice.
 - ii. If yes, will you give consumers a choice about what types of information guests will share with your company (the Times article describes MagicBand users as selecting certain "settings")? If yes, please list those types of information (e.g., geolocation, items purchased, attractions visited, etc.).
 - iii. Are there any types of information that consumers must share with your company if they use MagicBand?
 - b. If a guest chooses not to use MagicBand, what disadvantages, if any, will that guest experience while visiting a Disney park (i.e., longer waits for attractions, etc.)?
2. What information do you plan to collect from Disney guests who wear MagicBands, including but not limited to geolocation, items purchased, and attractions visited?
 - a. Does the information you collect depend on the age of the guest? If no, why not? If yes, please explain what policies will apply to specific age groups.
3. Will Disney analyze this data using predictive analytics and other measures to help create profiles of guests? If yes, what other data variables of guests may be included if profiles are created? If yes, will Disney create profiles for all guests, including kids and teens? Please explain.
4. Does your company plan to use the information collected from MagicBands to target advertisements and marketing at guests? If yes, please explain the ways in which you plan to target advertisements and marketing, including but not limited to geolocation targeting on mobile devices.
 - a. If yes, do you plan to target advertisements at kids 12 and under? If yes, please explain the ways in which you plan to target advertisements at children.

- b. If yes, do you plan to target advertisements at teens? If yes, please explain the ways in which you plan to target advertisements at teens.
 - c. If yes, do you plan to target advertisements or marketing at guests only when they are inside of Disney parks? If no, please list the other places where your company plans to target advertisements or marketing at guests. If no, what kinds of products may be promoted if such marketing occurs?
5. Does your company plan to market, sell, or otherwise disclose personal information or profiles about its guests to other companies? If yes, please explain.
6. Does your company plan to share the information it collects about its visitors with Disney affiliates, such as the Disney Channel or Disney Family.com? If yes, for what purposes do you plan to share that information (e.g., for targeted advertising purposes or marketing)? If yes, please list the affiliates with which you plan to share this information.
7. How long does your company plan to use or store information collected about its guests from MagicBands?
 - a. Does your company have procedures in place to minimize the information it stores about guests?
 - b. What procedures does your company employ to ensure deletion of information?
 - c. Are consumers given reasonable access to review and delete this data?

Thank you for your attention to this important matter. Please provide a response no later than February 14, 2013. If you have any questions, please have a member of your staff contact Joseph Wender at 202-225-2836.

Sincerely,



Edward J. Markey
Co-Chairman
Congressional Bi-Partisan Privacy Caucus