

methods to reduce impacts from human activities.

- **Water Quality Monitoring:** The exceptional diversity of marine life in the sanctuary depends on good water quality. This action plan addresses the need to collaborate on water quality monitoring and research in the sanctuary to determine whether it can continue to maintain healthy resources.

- **Habitat:** Habitat quality in the sanctuary over the last decade has shown changes from both direct interactions, like bottom-contact fishing, and indirect interactions, such as trophic and competitive shifts in population. The goal of this plan is to develop an improved understanding of the condition of major habitat types within the sanctuary to understand their productivity and biodiversity.

- **Ecosystem Services:** Sanctuary resources support nearby coastal communities in a variety of ways, and it is important to better understand and quantify the economic and intrinsic values of the sanctuary to natural and human systems. The goal of this plan is to explore the dynamic connections between sanctuary resources and ecosystem services to better inform management decisions.

- **Administration and Infrastructure Capacity:** This action plan addresses the necessary operational and administrative activities required for implementing an effective program, including staffing, infrastructure needs, and operational improvements.

IV. National Environmental Policy Act Compliance

As required under the National Environmental Policy Act (NEPA; 42 U.S.C. 4321 *et seq.*), NOAA has prepared an environmental assessment to evaluate the potential impacts on the human environment of implementing NOAA's proposed action. The proposed action is to update NOAA's management activities conducted within SBNMS that relate to research, monitoring, education, outreach, community engagement, and resource protection. The proposed management activities include revising the sanctuary management plan and implementing routine field activities and existing sanctuary regulations. No significant impacts to resources and the human environment are expected to result from this proposed action. Accordingly, under NEPA, an environmental assessment is the appropriate document to analyze the potential impacts of this action. Following the close of the public comment period and the satisfaction of consultation requirements under any applicable natural and cultural resource

statutes, NOAA will finalize its NEPA analysis and prepare a final NEPA document and decision document.

V. Public Input Opportunity

With this notice, NOAA is seeking public comment and input from individuals, organizations, and Federal agencies, State, Tribal, and local governments on the draft management plan and environmental assessment, which is available at <https://stellwagen.noaa.gov/management/2020-management-plan-review/>. Printed copies may be obtained by contacting the individual listed under the heading **FOR FURTHER INFORMATION CONTACT**.

Authority: 16 U.S.C. 1431 *et seq.*; 42 U.S.C. 4321 *et seq.*; 40 CFR 1500–1508 (NEPA Implementing Regulations); Companion Manual for NOAA Administrative Order 216–6A.

John Armor,

Director, Office of National Marine Sanctuaries, National Ocean Service, National Oceanic and Atmospheric Administration.

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DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

Privacy, Equity, and Civil Rights Listening Sessions

AGENCY: National Telecommunications and Information Administration, U.S. Department of Commerce.

ACTION: Notice of open meeting.

SUMMARY: The National Telecommunications and Information Administration (NTIA) will convene three virtual Listening Sessions about issues and potential solutions at the intersection of privacy, equity, and civil rights. The sessions will help to provide the data for a report on the ways in which commercial data flows of personal information can lead to disparate impact and outcomes for marginalized or disadvantaged communities.

DATES: The meetings will be held on December 14, 15, and 16, 2021, from 1:00 p.m. to 3:30 p.m., Eastern Standard Time.

ADDRESSES: The meetings will be held virtually, with online slide share and dial-in information to be posted at <https://www.ntia.gov/>.

FOR FURTHER INFORMATION CONTACT: Travis Hall, National Telecommunications and Information Administration, U.S. Department of

Commerce, 1401 Constitution Avenue NW, Room 4725, Washington, DC 20230; telephone: (202) 482–3522; email: thall@ntia.gov. Please direct media inquiries to NTIA's Office of Public Affairs: (202) 482–7002; email: press@ntia.gov.

SUPPLEMENTARY INFORMATION:

Background and Authority: The National Telecommunications and Information Administration (NTIA) is the President's principal advisor on telecommunications and information policy issues.¹ In this role, NTIA studies and develops policy advice about the impact of technology and the internet on privacy. This includes examining the extent to which technology implementations, business models, and related data processing are adequately addressed by the U.S.'s current privacy protection framework.² Importantly, NTIA has long acknowledged that privacy is a matter of contextual data flow and use rather than simply being a question of publicity.³ Increasingly,

¹ See 47 U.S.C. 902(b)(2)(D), (H).

² NTIA Blog, "NTIA Releases Comments on a Proposed Approach to Protecting Consumer Privacy" (Nov. 13, 2018), <https://www.ntia.doc.gov/press-release/2018/ntia-releases-comments-proposed-approach-protecting-consumer-privacy> (commenters generally emphasized the need for changes to the U.S. privacy framework); see also, GAO, Consumer Privacy: Changes to Legal Framework Needed To Address Gaps (June 2019), <https://www.gao.gov/products/gao-19-621t> (same); Congressional Research Service, Data Protection Law: An Overview (March 25, 2019), <https://fas.org/sgp/crs/misc/R45631.pdf> ("Recent high-profile data breaches and other concerns about how third parties protect the privacy of individuals in the digital age have raised national concerns over legal protections of Americans' electronic data."); Thorin Klosowski, The State of Consumer Privacy Laws In The US (And Why It Matters), Wirecutter (Sept. 6, 2021), <https://www.nytimes.com/wirecutter/blog/state-of-privacy-laws-in-us/> (describing consumer privacy laws in the United States and providing legal experts' characterizations of their inadequacy); Press Release, "Wicker, Blackburn Introduce Federal Privacy Legislation" (July 28, 2021), <https://www.commerce.senate.gov/2021/7/wicker-blackburn-introduce-federal-data-privacy-legislation> ("the need for federal privacy legislation is imperative"); Business Roundtable Letter to Senate Commerce Committee Urging Passage of a Federal Consumer Data Privacy Law (Oct. 4, 2021), <https://www.businessroundtable.org/business-roundtable-letter-to-senate-commerce-committee-urging-passage-of-a-federal-consumer-data-privacy-law>.

³ See Internet Policy Task Force, *Commercial Data Privacy and Innovation in the Internet Economy: A Dynamic Policy* 18 (Dec. 16, 2010), https://www.ntia.doc.gov/files/ntia/publications/iptf_privacy_greenpaper_12162010.pdf; White House, *Consumer Data Privacy in a Networked World: A Framework for Protecting Privacy and Promoting Innovation in the Global Digital Economy*, (Feb. 23, 2012), 16; see also: Helen Nissenbaum, *Privacy in Context*, (Nov. 2009). NTIA considers problematic uses and problematic collection to both fall under the umbrella of a "privacy harm," an idea that is well-established in the literature. (<https://papers.ssrn.com/sol3/>)

scholarship has shown that marginalized or underserved communities are especially in need of robust privacy protections.⁴ These studies have shown that not only are these communities often materially disadvantaged with regards to the marginal effort required to adequately manage privacy controls, they are often at increased risk of suffering harm from losses of privacy or misuse of collected data.

The Administration has highlighted that there is a national imperative to promote equity and increase support for communities and individuals that have been “historically underserved, marginalized, and adversely affected by persistent poverty and inequality.”⁵ As stated in the Executive Order on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government: “[e]ntrenched disparities in our laws and public policies, and in our public and private institutions, have often denied [. . .] equal opportunity to individuals and communities.”⁶ These entrenched disparities persist in the digital economy, and the collection, processing, sharing, and use of data can directly affect—both positively and negatively—structural inequities present in our society.

The following examples underscore how commercial collection and use of personal information, even for legitimate purposes, often results in disparate outcomes for marginalized and underserved communities:

- Digital advertising systems have been shown to often reproduce historical patterns of discrimination by enabling discriminatory targeting by

papers.cfm?abstract_id=3782222, 21–22 (“Privacy harms are highly contextual, with the harm depending upon how the data is used, what data is involved, and also how the data might be combined with other data”).

⁴ Danielle Keats-Citron, *Cyber Civil Rights*, 89 Boston U. L. Rev. 61 (2008); Khiara Bridges, *The Poverty of Privacy Rights*, Stanford University Press (2017); Mary Madden, Michele Gilman, Karen Levy & Alice Marwick, *Privacy, Poverty, and Big Data: A Matrix Of Vulnerabilities For Poor Americans*, 95 Wash. U. L. Rev. 53 (2017); Alvaro Bedoya, *Privacy As Civil Right*, 50 New Mexico L. Rev. 3 (2020); Scott Skinner-Thompson, *Privacy At The Margins*, Cambridge University Press (2020); Sara Sternberg Greene, *Stedding (Identity) From The Poor* (2021), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3781921; Michele Gilman, *Feminism, Privacy, And Law In Cyberspace*, Oxford Handbook of Feminism and Law in the U.S. (2021 Forthcoming), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3779323.

⁵ Exec. Order No. 13,985, 86 FR 7009 (Jan. 20, 2021), <https://www.federalregister.gov/documents/2021/01/25/2021-01753/advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government>.

⁶ *Id.*

advertisers.⁷ Even when targeting criteria does not include protected traits, targeted advertising can be used to perpetuate discrimination using proxy indicators of race, gender, disability, and other characteristics.⁸

- Data brokers, health insurance companies, and their subsidiaries are using information such as neighborhood safety, bankruptcies, gun ownership, inferred hobbies, and other information to determine coverage for people they deem more likely to require more expensive care.⁹ These assessments can rely on unreliable and discriminatory heuristics or proxies for characteristics such as race, socioeconomic status, or disability—or as one salesman joked, “God forbid you live on the wrong street these days,” he said. “You’re going to get lumped in with a lot of bad things.”¹⁰

- Software implemented by a university to predict whether students will struggle academically used race as

⁷ Muhammad Ali et al., *Discrimination Through Optimization: How Facebook’s Ad Delivery Can Lead to Skewed Outcomes*, Computers and Society (April 19, 2019), <https://arxiv.org/abs/1904.02095>.

⁸ *Id.*

⁹ Marshall Allen, *Health Insurers Are Vacuuming Up Details About You—And It Could Raise Your Rates*, Pro Publica (July 17, 2018), <https://www.propublica.org/article/health-insurers-are-vacuuming-up-details-about-you-and-it-could-raise-your-rates>; Sarah Jeong, *Insurers Want To Know How Many Steps You Took Today*, The New York Times (April 10, 2019), <https://www.nytimes.com/2019/04/10/opinion/insurance-ai.html> (“But when it comes to insurance in particular, there are unanswered questions about the kind of biases that are acceptable. Discrimination based on genetics has already been deemed repugnant, even if it’s perfectly rational. Poverty might be a rational indicator of risk, but should society allow companies to penalize the poor?”).

¹⁰ Marshall Allen, *Health Insurers Are Vacuuming Up Details About You—And It Could Raise Your Rates*, Pro Publica (July 17, 2018), <https://www.propublica.org/article/health-insurers-are-vacuuming-up-details-about-you-and-it-could-raise-your-rates>; see also, Rachel Goodman, *Big Data Could Set Insurance Premiums. Minorities Could Pay the Price*, ACLU (July 19, 2018), <https://www.aclu.org/blog/racial-justice/race-and-economic-justice/big-data-could-set-insurance-premiums-minorities-could> (“Existing health disparities mean that data will consistently show members of certain groups to be more likely to need more health care. What will happen, then, if this data starts being used against those groups? We know, for example, that Black women are much more likely to experience serious complications from pregnancy than white women. So, health insurers might conclude that a woman who is Black and recently married is likely to cost them more money than a white woman in the same position”). Starre Vartan, *Racial Bias Found in a Major Health Care Risk Algorithm*, Scientific American (Oct. 24, 2019), <https://www.scientificamerican.com/article/racial-bias-found-in-a-major-health-care-risk-algorithm/> (“A study published Thursday in *Science* has found that a health care risk-prediction algorithm, a major example of tools used on more than 200 million people in the U.S., demonstrated racial bias—because it relied on a faulty metric [previous patients’ health care spending as a proxy for medical needs].”).

a strong predictor for poor performance.¹¹ Black students were flagged “high risk” for dropping out of certain subjects, such as science and math, at elevated rates, a designation that researchers warned could improperly lead to advisors encourage students to change to “easier” majors.¹²

In light of these and many more examples, it is critical for policymakers to understand how information policy can reduce data-driven discrimination and disparate treatment. In service of these objectives, NTIA announces through this Notice three virtual Listening Sessions, which aim to advance the policy conversation on how to alleviate the disproportionate privacy harms suffered by marginalized or underserved communities. NTIA’s upcoming Listening Sessions are intended as an opportunity to build the factual record for further policy development in this area. The information gathered from these Listening Sessions will inform a subsequent Request for Comment, and together these efforts will provide the basis for NTIA to draft a report. Possible topics include, but are not limited to:

- The role and adequacy of current civil rights laws, related protections, and enforcement thereof in mitigating privacy harms against marginalized communities.
- The interplay between current civil rights laws and related protections with current privacy laws and proposed reforms.
- Data brokers and secondary markets for data.
- Exploitation of data or commercially available software for stalking or harassment based on protected class status.
- Workplace tracking and surveillance that may be discriminatory.
- Hiring, credit, lending, and housing algorithms and advertisements.
- Intersectional privacy needs of groups such as trans individuals, the unhoused, or people with disabilities.

The format of the Listening Sessions will include a mix of keynote speeches, moderated panel discussions, and open forums for members of the public to share their perspective. The first Listening session will be held on December 14, 2021, on the intersection of civil rights law and privacy. The second Listening session will be held on December 15, 2021, and will be on the

¹¹ Todd Feathers, *Major Universities Are Using Race as a “High Impact Predictor” of Student Success*, The Markup (March 2, 2021), <https://themarkup.org/news/2021/03/02/major-universities-are-using-race-as-a-high-impact-predictor-of-student-success>.

¹² Feathers, *supra* note 8.

way in which the collection, use, and processing of personal and personally sensitive data affects structural inequities. The final Listening session will focus on solutions to the gaps and problems identified in the first two sessions, and will be held on December 16, 2021.

NTIA intends to publish a Notice and Request for Comments in the **Federal Register** that will be informed by the input received during the Listening Sessions. Members of the public unable to participate in the Listening Sessions are encouraged to respond to the forthcoming Request for Comments.

Time and Date: NTIA will convene three virtual Listening Sessions on December 14, 15, and 16, 2021, from 1:00 p.m. to 3:30 p.m., Eastern Standard Time. The exact time of the meeting is subject to change. Please refer to NTIA's website, <https://www.ntia.gov>, for the most current information.

Place: The meeting will be held virtually, with online slide share and dial-in information to be posted at <https://www.ntia.gov>. Please refer to NTIA's website, <https://www.ntia.gov>, for the most current information.

Other Information: The meeting is open to the public and the press on a first-come, first-served basis. The virtual meetings are accessible to people with disabilities. Individuals requiring accommodations such as real-time captioning, sign language interpretation or other ancillary aids should notify Travis Hall at (202) 482-3522 or thall@ntia.gov at least seven (7) business days prior to the meeting. Access details for the meeting are subject to change. Please refer to NTIA's website, <https://www.ntia.gov>, for the most current information.

Dated: November 23, 2021.

Kathy D. Smith,

Chief Counsel, National Telecommunications and Information Administration.

[FR Doc. 2021-25999 Filed 11-29-21; 8:45 am]

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DEPARTMENT OF COMMERCE

Patent and Trademark Office

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Patents for Humanity Program

AGENCY: United States Patent and Trademark Office, Department of Commerce.

ACTION: Notice of information collection; request for comment.

SUMMARY: The United States Patent and Trademark Office (USPTO), as required by the Paperwork Reduction Act of 1995, invites comments on the extension and revision of an existing information collection: 0651-0066 (Patents for Humanity Program). The purpose of this notice is to allow 60 days for public comment preceding submission of the information collection to OMB.

DATES: To ensure consideration, comments regarding this information collection must be received on or before January 31, 2022.

ADDRESSES: Interested persons are invited to submit written comments by any of the following methods. Do not submit Confidential Business Information or otherwise sensitive or protected information.

- **Email:** InformationCollection@uspto.gov. Include "0651-0066 comment" in the subject line of the message.
- **Federal Rulemaking Portal:** <http://www.regulations.gov>.
- **Mail:** Kimberly Hardy, Office of the Chief Administrative Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Ms. Soma Saha, Patent Attorney, Office of Policy and International Affairs, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450; by telephone at 571-272-9300; or by email to patentsforhumanity@uspto.gov with "0651-0066 comment" in the subject line. Additional information about this information collection is also available at <http://www.reginfo.gov> under "Information Collection Review."

SUPPLEMENTARY INFORMATION:

I. Abstract

Since 2012, the United States Patent and Trademark Office (USPTO) has conducted the Patents for Humanity Program, an annual award program to incentivize the distribution of patented technologies or products for the purpose of addressing humanitarian needs. The program is open to any patent owners or patent licensees, including inventors who have not assigned their ownership rights to others, assignees, and exclusive or non-exclusive licensees. USPTO collects information from applicants that describe what actions they have taken with their patented technology to address the welfare of impoverished

populations, or how they furthered research by others on technologies for humanitarian purposes. There are numerous categories of awards including: Medicine, Nutrition, Sanitation, Household Energy, and Living Standards. Sometimes the program includes additional categories specific for that year, for example COVID-19.

This information collection covers two application forms for the Patents for Humanity Program. The first application covers the humanitarian uses of technologies or products, and the second application covers humanitarian research. In both, applicants are required to describe how their technology or product satisfies the program criteria to address humanitarian issues. Additionally, applicants must provide non-public contact information in order for USPTO to notify them about their award status. Applicants may optionally provide contact information for the public to reach them with any inquiries. Applications must be submitted via email and will be posted on USPTO's website. Qualified judges from outside USPTO will review and score the applications. USPTO will then forward the top-scoring applications to reviewers from participating Federal agencies to recommend award recipients.

Winners are invited to participate in an awards ceremony at USPTO. Those applications that are chosen for an award will receive a certificate redeemable to accelerate select matters before USPTO. The certificates can be redeemed to accelerate one of the following matters: An *ex parte* reexamination proceeding, including one appeal to the Patent Trial and Appeal Board (PTAB) from that proceeding; a patent application, including one appeal to the PTAB from that application; or an appeal to the PTAB of a claim twice rejected in a patent application or reissue application or finally rejected in an *ex parte* reexamination, without accelerating the underlying matter which generated the appeal. This information collection also covers the information gathered in petitions to extend an acceleration certificate redemption beyond 12 months. Finally, winners are now able to transfer their certificates to third parties, including by sale, due to the January 2021 passage of the Patents for Humanity Program Improvement Act.

II. Method of Collection

Electronically through the <http://www.uspto.gov/patentsforhumanity> website.