



as to when and how that consent should be obtained. The particular means we choose may differ, but the challenges we face and our focus on solving them are the same.

Despite our commonalities, recent events make the title of today's discussion –

We have used our broad enforcement authority to challenge inappropriate privacy and data security practices of companies that operate throughout the Internet and mobile ecosystem. We have brought enforcement actions against well-known companies, such as Google,<sup>9</sup> Facebook,<sup>10</sup> Twitter,<sup>11</sup> and Myspace.<sup>12</sup>

We have also brought myriad cases against companies that are not household names, but whose practices violated the law. We've sued companies that spammed consumers,<sup>13</sup> installed

As a complement to our privacy enforcement work, the FTC is actively engaged in ongoing policy development to improve privacy protection in light of rapid technological change. In addition to our landmark privacy report issued last year, we have addressed cutting-edge privacy issues involving facial recognition technology,<sup>20</sup> kids apps,<sup>21</sup> mobile privacy disclosures,<sup>22</sup> and mobile payments.<sup>23</sup>

In light of our increasingly interconnected world, the FTC has devoted significant time to enhancing international privacy enforcement cooperation so that we are better able to address global challenges. We continue to foster a strong relationship and engage in ongoing dialogue with European data protection authorities. We meet regularly with EU DPAs, and in April I met with the entire Article 29 Working Party. The Article 29 Working Party has been kind enough to recognize the FTC as a crucial partner in privacy and data protection enforcement.<sup>24</sup> And the Working Party, like the FTC, has welcomed the ongoing dialogue and constructive cooperation between us, and stressed the need for further transatlantic cooperation, especially in enforcement matters, in order to achieve our common goals.<sup>25</sup> Indeed,

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course, as we do in every instance, we take the necessary time to separate fact from fiction. And, as I am sure many in this audience would appreciate, we also proceed carefully to provide proper notice and appropriate levels of due process. If we discover in our investigations that companies have committed Safe Harbor-related law violations, we will take appropriate enforcement actions.

As I mentioned earlier, I think it is healthy to have a vigorous debate over how to appropriately balance national security and privacy, but that ongoing debate should not be allowed to distort discussions in the commercial sphere about role of the Safe Harbor in protection consumer privacy. The EU itself has created national security exemptions in its existing data protection laws,<sup>34</sup>