

Separate Statement of Commissioner Noah Joshua Phillips
Federal Trade Commission v. Unrollme Inc.
Matter No. 1723139

August 8 2019

I join my colleagues in supporting this settlement but write separately to highlight the surrounding circumstances, which are relevant to the current privacy debate

As the complaint alleges, Unroll.me offered a free service that helped consumers organize their email inboxes. It supported this free service by allowing its parent company to scan email addresses for purchase-related information, which the parent collected for the anonymized market research it sells. Until around September 2018, the complaint alleges that in a number of instances, Unroll.me failed to adequately disclose these collection practices, which failure violated the law.

Unrelated to the allegations in the complaint, in late 2018, Google announced it would limit third-party apps (like Unroll.me) from using the information in Gmail accounts of consumers for purposes such as market research or advertising. Programs promoted as means to enhance consumer privacy, that decision may also limit consumer choice and competition.

Many millions of consumers value in 8 Q U R O service which helps them manage the barrage of daily emails crowding their inboxes. Unroll.me has since removed the allegedly deceptive statements and updated its disclosures, so consumers may now be better aware of the privacy tradeoffs, and continue to use the service. For these consumers, granting access to the

debate, i.e., the impact that privacy-enhancing decisions may have on consumer choice and competition.

There is no right answer, and as a society, we may very well choose limitations on consumer choice and competition to protect privacy. Privacy is important. Consumers and policymakers alike must recognize, however, that it comes with tradeoffs. And competition enforcers must be vigilant, recognizing the potential of privacy efforts negatively to impact competition.