

Statement of Chairman Joseph J. Simons and  
Commissioners Noah Joshua Phillips and Christine S. Wilson  
Regarding the Report to Congress on the FTC's  
Use of Its Authorities to Protect Consumer Privacy and Security

June 17, 2020

The work the Federal Trade Commission has done to protect consumer privacy and to ensure that consumers' data are secure is without equal, worldwide. We are proud of the volume, quality, and impact of the work this agency has done with a fraction of the staff and resources of our international sister agencies. There is no question that with more authority and more resources, we could do more. With the resources at our disposal and the Staff Report details the Commission has

x Brou4 ( C)ID 14 >>BD 14 >>BD 14 >19 Tf ( )Tj /,-2 p /CT6 ( )-1g (he)-n2 (e)4 (r)1 (a)4 (l)-2p

favoring large companies. This is simply not true. In support of this proposition, he cites two cases – Facebook and YouTube – in which the Commission obtained unprecedented relief. Citing these cases to suggest that the Commission is letting big companies off easy makes no sense.

Second and relatedly, Commissioner Chopra suggests that the Commission should not settle cases against large companies, but should instead file more cases in court. The Commission is prepared to litigate any matter, and our ability and willingness to do so means that the Commission has a very active litigation docket, including against large companies. At the same time, the filing of an action in court is no guarantee that the relief in a particular case will be stronger than in a pre-filing settlement. For example, while we are gratified that the Wyndham courts issued opinions that upheld the Commission's data security authority, the settlement in that case was not materially different than other settlements that the Commission had previously, and has since, obtained pre-filing. Litigation also takes time and resources, which is why every government agency with litigating authority – from state attorneys general to

corporate boards. We do not share his enthusiasm for such an across-the-board increase in regulation. But that aside, Commissioner Chopra's statement does not specify the projects that he would have the agency drop in order to pursue the projects he lists. On privacy and data security, the Commission is currently engaged in initiatives focused on the financial sector (addressed in the ongoing GLB rulemaking and upcoming public workshop) and technology directed to children (addressed in the ongoing COPPA regulatory review, which generated over 170,000 comments). More broadly, as the nation's primary consumer protection agency, our Staff is engaged in protecting Americans from deception, fraud, and unfair activities throughout the economy, regularly bringing cases that address substantial and ongoing ha (g.)L