

**The Intersection of Privacy and Consumer Protection:  
Some Thoughts from FTC Commissioner Julie Brill**

**U.S. Federal Trade Commissioner Julie Brill**

major decisions that are based on them – are accurate. The information in credit reports is also deeply personal, so the FCRA limits how companies can use credit reports and provides other protections that follow the Fair Information Practice Principles.<sup>3</sup> Among other things, these comprehensive protections allow consumers to know when information is being used to make important decisions about them and to correct the information when it is inaccurate.

The Fair Debt Collection Practices Act<sup>4</sup> similarly falls at the intersection of privacy and consumer protection concerns. It limits how and when a debt collector may contact consumers, as well as restricting debt collectors from revealing the existence of a debt to third parties. The main purpose of the Fair Debt Collection Practices Act is to prevent debt collectors from using abusive or fraudulent tactics to make consumers pay debts. But it is also a privacy law because it limits the circumstances under which the existence of a debt, which may be deeply embarrassing to a consumer or threaten her employment, may be revealed.

Still other laws protect particularly sensitive information or information about particularly vulnerable consumers. For example, the Children’s Online Privacy Protection Act<sup>5</sup> restricts the online collection of information from children. The Gramm-Leach-Bliley Act<sup>6</sup> and its implementing regulations restrict the sharing of personal information by financial institutions and require them to keep consumers’ information secure. And the Health Insurance Portability and Accountability Act<sup>7</sup> (HIPAA) protects health information in the hands of health care providers, insurers, and their business associates.

In addition to these laws, which are focused on specific industries and groups of consumers, the FTC uses its authority under Section 5 of the FTC Act<sup>8</sup> to prevent unfair or deceptive acts or practices in privacy and data security cases. Section 5 is a broad, flexible, and remedial statute that allows our enforcement to keep up with changing technologies and business practices. When companies mislead consumers in a material way about their data practices, we use our deception authority. When a company’s data practices harm consumers in a way consumers cannot avoid, with no offsetting benefit to consumers or competition, we use our unfairness authority. The FTC has brought and settled actions under Section 5 against companies that are household names in all parts of the world, including Google<sup>9</sup> and Facebook<sup>10</sup>,

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<sup>3</sup> For a general overview of the Fair Information Practice Principles, see FTC, INTERNET OF T



When data brokers fail to keep financial information secure, they create serious risks for consumers. For example, last year the FTC sued two debt brokers for posting files containing

Other imposters are using the same techniques – obtaining sensitive and personal financial information about consumers to convince consumers that a fraudulent call is real. We have seen a dramatic rise in complaints about imposters who claim to be from the Internal Revenue Service or other government agencies. Their conversations with consumers are laced with the consumer's Social Security Numbers and other personal information, thereby convincing the consumer that the call is legitimate, and she needs to comply with the caller's demand to pay immediate or else face wage garnishment or arrest. I will be testifying later today at a hearing later today in the U.S. Senate on IRS Imposter Scams and Tax ID theft today.

consumers, and big data and discrimination. In November, we will hold a workshop that examines practices that allow companies to track consumers across the different devices that they use. In addition, the FTC is building its own capacity to analyze and understand new technologies. For the past several years we have had a chief technologist who brings an outside perspective from the technological community. We recently announced the formation of the Office of Technology Research and Investigation, which will provide a larger platform to build our technical expertise. Together, all of these perspectives not only help keep the FTC informed but also provide a forum for different stakeholders to debate and discuss consumer protection challenges.

ICPEN plays a crucial role in providing more cops on the consumer protection beat, and that is needed now more than ever. By sharing our collective knowledge he