

Remarks at PrivacyCon
Commissioner Julie Brill
January 14, 2016

Good afternoon. Lunch may be over, but the feast of scholarship continues. It is my pleasure to open the afternoon with a few remarks about the research that is on display here at PrivacyCon. But before I go any further, I would like to thank the many members of the FTC staff, whose hard work, expertise, and creativity made today's event not only possible, but also deeply interesting.

Aside from the quality of projects and presentations, one thing struck me about today's agenda. Instead of being organized by discipline – computer science here, economics over there – the day is organized around the key substantive issues in consumer privacy. This thoughtful organization is leading us toward something that we need for sound privacy policy development: a cross-disciplinary, richly detailed picture of consumers and how they make decisions about technology use.

Lurking behind the main regulatory approaches to privacy – whether it is notice-and-choice, informational self-determination, or a use-based model – are questions about individual consumers, their goals in exercising their privacy rights, and their ability to do so in the environment around them. At a high level, two principles should guide policy and practice.

First, individuals have to be in the loop regarding decisions about what data is collected about them and how it is used. Outside the privacy sphere, companies have excelled at helping consumers manage and use highly complex systems. Cars are a great example of this. They are now “computers on wheels,” but we can all drive them because companies have kept the complexity behind the user interfaces that are simple to use. I think companies can do the same for privacy, but building the right tools depends on understanding which decisions are most important to individuals.

Second, I am wary of solutions that depend too heavily on any one technical measure. It's a positive development that companies are offering more services that allow individuals to encrypt their communications, and these services are getting more user-friendly. But their ease-of-use is limited to communications that stay within a particular service. If you want to communicate between different services, you may be stuck using tools that only a few select experts can use properly.

But these principles leave many questions open and details unspecified. What data do consumers expect companies to collect from them? How do they expect companies to use this data? What do consumers understand about what actually happens to their data? Which aspects of data processing should be under consumers' control? How effective are the tools that companies offer to consumers to exercise control?

Answering these questions requires a three-dimensional approach. So I am excited to see that researchers are using structured surveys, qualitative interviews, and looking at human-

