



that privacy is fundamentally about data collection, specifically taking data from people without their consent.

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to take some questions.

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This idea arguably dates back to the earliest days of modern commercial privacy in the United States. Justice Louis Brandeis wrote the seminal law review article that first crystalized that concept in the American legal system. He famously described the concept of privacy like this in *Olmstead v. United States*

The makers of our Constitution undertook to secure conditions favorable to the pursuit of happiness. They

where privacy is and has always been a matter of safety, physical safety, job safety, a matter of basic human fairness.

Our history is rife with these examples: Consider the Pilgrims, who described being  
Tubman, who, in the words of Frederick Douglass, "Consider Harriet Tubman, who, in the words of Frederick Douglass, "Consider Harriet Tubman, who, in the words of Frederick Douglass, "

But Justice Brandeis also described a case in which a woman hired a photographer to take her portrait. She then discovered walking down the street one day that the photographer had taken her photo and turned it into a Christmas card, for sale in a storefront window. She sued to



I say to them that, if you read Section 5, it also says nothing about privacy or data V H F X U L W \ 7 I C D W 4 5 d i e h o f d e f i n e S t a t 5 on the basis of subject matter. Rather, Congress defined unfairness to block any conduct that substantially injures consumers, that is not reasonably avoidable, and that is not offset by a countervailing benefit. I emphatically agree with my colleagues Chair Khan and Commissioner Slaughter that discrimination could absolutely be the basis for Section 5 unfairness claim.

Second, I am keenly interested in learning more about the potential mental health harms to children and teenagers stemming from prolonged use of social media, and potential solutions. There is now a broad body of research arguing that prolonged daily use of social media is associated with increases in depression, anxiety, thoughts of self-harm and suicidal ideation.<sup>21</sup> As I have explained elsewhere, this is a nuanced body of research; it is not the case that social media always hurts the average teenage user.<sup>22</sup>

However, the presence of that nuance only makes it more important that we as an expert agency collect comments on this issue and get a clear sense of what exactly is going on, SDUWLFXODUO\ LI FKLOGUHQ DQG WHHQDJHUV ¶ GDWD LV E I that encourages them to stay on social media longer than they themselves want. As one step in



I urge each of you to take the time FOR PPHQW RQ WKH )7 & ¶V FRPPHUFLD ANPR. We need your input. We will read it carefully and with interest.

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