

Bureau Director's Opening Remarks
Data To Go: An FTC Workshop on Data Portability

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Welcome to Data To Go: An FTC Workshop on Data Portability. Thank you, all, for tuning in. While we're all getting used to doing everything virtually, I know that many of us are missing the ability to interact in person. Still, despite the fact that we can't all be together in a room, I'm grateful that we still have the ability to host a workshop on such an important issue with experts from around the world. This is the FTC's third virtual workshop, and I'm confident it will be another success.

In the last few years, data portability has emerged as a hot topic in both antitrust and privacy circles. It has been touted as offering benefits to both consumers and competition. Freeing up data promises to increase consumers' choice and control over their own data. It could also enhance innovation and increase competition by, among other things, lowering barriers to entry. But there are risks. While there may be privacy benefits to allowing consumers greater choice and control, increased data flows raise serious questions about how to properly ensure the data is secured. This convergence of issues has presented the Commission, which has both competition and consumer protection missions, with the opportunity for staff from across the FTC to collaborate.

The workshop was put together by a cross-agency team. I'd like to thank Jarad Brown and Kate White from the Bureau of Consumer Protection; Andrea Zach, Kelly Signs, Chris Grengs, and Ryan Quillian from the Bureau of Competition; Ben Smith from the Bureau Of Economics; and Guilherme Roschke from the Office of International Affairs for bringing us this event.

Today's workshop furthers the FTC's goal of providing educational opportunities for ourselves, stakeholders, and the public on topics of interest. Just a couple examples: In 2018, we began our series of Hearings on Competition and Consumer Protection in the 21st Century, which endeavored to explore broad-based changes in the economy, business practices, evolving technology, and international developments. In July, we hosted our 5th annual PrivacyCon, which focused on privacy in health. Data Portability feels like a natural progression and extension of some of those conversations.

The term "Data Portability" can mean different things to different people. For some, the term is limited to the ability of consumers to receive a copy of their own data, either for their convenience or to move the data to another service. For others, data portability must move beyond an individual consumer right and must also enable the transfer of data about multiple individuals so that, for example, a business can easily change vendors and move all of their consumer data from one service to another.

¹ These remarks reflect my own views. They do not necessarily reflect the views of the Commission or any other individual Commissioner.

Across the globe and here in the U.S. we've seen various approaches to portability. Some approaches, such as in the EU and California, have focused on an individual's right to portability. Although there are differences in the regulations, both approaches stem from general privacy laws and give consumers the right to receive their data in a format that more easily allows transfer of that data to another entity. India, on the other hand, does not have a general privacy law, and its data portability initiatives aim to increase consumer access to services, especially health and financial services. Other approaches, such as the UK's Open Banking Initiative and HHS ONC's interoperability rule, have taken a sector-specific approach. They have each created secure standardized methods for data to be transferred with the goal of providing consumers with better access and control over their data and increasing competition. Simultaneous to government initiatives there are industry-wide efforts, such as the Data Transfer Project, that are working on ways to create open-source service to service data portability platforms to allow consumers to easily move their data between companies. We're fortunate today to be joined by regulators and other experts and stakeholders to discuss their experiences with these rules and projects.

We'll start the day with a presentation from Peter Swire, which will do a little table-setting and provide relevant background on the issue. Our first panel will offer a look at data portability initiatives in the EU, India, and California. Then, our second panel will explore sectoral approaches to data portability. Our afternoon sessions will take a more general look at data portability. The third panel will discuss the attributes, benefits, and challenges of data portability initiatives, with an eye towards the twin aims of protecting consumers and promoting competition. Our final panel of the day will tackle some key concerns confronting data portability initiatives – security, privacy, standardization, and interoperability – and consider some solutions.

As you can see, we're packing a lot into a relatively short day. I'm looking forward to hearing all of our panelists' thoughts on these issues. We are in listening mode, and we don't expect to crack data portability today. As you can tell from the topics of our day, our workshop is not geared towards specific proposals or legislation. Rather, we hope to further a discussion that will continue. For example, our event is bookended by great events put on by the Organization for Economic Cooperation and Development. We will also be paying attention to the continued developments in data portability, such as the Consumer Financial Protection Bureau's recently announced potential rulemaking under the Dodd-Frank Act Section 1033, which authorizes the CFPB to create rules enhancing consumers' access to their financial data.

Before I close, I want to thank the panelists for giving us their time. Because this is a virtual event, many of them are participating from other time zones, so for some of our panelists their participation required an early morning or a late night. We are very grateful to you. Finally, thank you to everyone who's attending virtually.

We appreciate the opportunity to engage with the public on this important issue, and I hope that you enjoy the FTC's Data To Go. We will open with a presentation from Professor Peter Swire that will begin at 8:40.