

**Dissenting Statement of Commissioner Rebecca Kelly Slaughter**  
Regarding the Appointment of the Director of the Bureau of Consumer Protection  
May 16, 2018

Right now is a critical time for the FTC's Bureau of Consumer Protection. In addition to the myriad important cases that the dedicated staff pursue day in and day out with little fanfare, the Commission has publicly confirmed that the agency is currently investigating the 2017 Equifax data breach. This matter has commanded significant public attention as it involves the sensitive personal data of more than a hundred million American consumers.

I have no advance judgments about the outcome of this matter. But I strongly believe that, in the critical and rapidly evolving areas of data privacy and security, the Commission's consumer protection mission demands strong leadership and vigorous enforcement.

Therefore, I am not comfortable voting in favor of Chairman Simons' selection for the Director of the Commission's Bureau of Consumer Protection, Andrew Smith, who would be recused from the Equifax investigation. Further, it is my understanding that Mr. Smith's conflicts extend beyond Equifax and touch on other core portions of the Bureau's mandate. To date, the plan for Bureau leadership on matters implicated by the full range of Mr. Smith's conflicts remains unclear to me.

My vote should not be misconstrued as an attack on Mr. Smith's skills or his character, nor is it a matter of partisanship. As a general rule, I believe that a Presidentially appointed Chair of the Federal Trade Commission is entitled to significant deference on his selection of senior staff appointments. Accordingly, I voted to approve Chairman Simons' appointments for the Commission's General Counsel, and the Directors of the Bureau of Competition and the Bureau of Economics, despite the fact that we may have divergent political and policy views.

My vote against Mr. Smith's appointment is instead a reflection of my conviction in the particular importance of the consumer protection mission at this moment in time. I am concerned that selecting a director for the Bureau of Consumer Protection who is barred from leading on data privacy and security matters that affect so many consumers, command so much public attention, and implicate such key areas of the law potentially undermines the public's confidence in the Commission's ability to fulfill its mission.

Notwithstanding my vote, I expect Mr. Smith's appointment will be approved. I believe he is dedicated to the agency's mission and intends to continue the Bureau's robust enforcement agenda. I stand ready and willing to work with Mr. Smith and the staff of the Bureau of Consumer Protection, as well as Chairman Simons and my fellow Commissioners, to further the Commission's consumer protection mission.