

**Statement of Commissioner Christine S. Wilson**  
*In the Matter of Zoom Video Communications, Inc.*

February 1, 2021

Today the Commission finalizes a settlement with Zoom addressing allegations that it made misrepresentations regarding the strength of its security features and implemented a software update that circumvented a browser security feature. As the majority explained when issuing the proposed consent for public comment, the proposed order provides immediate, strong relief to consumers addressing this conduct. The order requires that Zoom establish and implement a comprehensive security program that includes detailed and specific security measures.<sup>1</sup> This order will enable the Commission to seek significant penalties for noncompliance and provides critical, and timely, relief.

My dissenting colleagues note that the recent revelations regarding a rogue Zoom employee in China, who accessed accounts and meetings of U.S.-based consumers, underscore the need for additional relief in this matter. Commissioner Slaughter advocates that the Commission cease treating data security and privacy as distinct concerns, noting that “protecting a consumer’s privacy and providing strong data security are closely intertwined, and when we solve only for one we fail to secure either.”<sup>2</sup> I agree. I have stated in testimony and speeches my view that privacy and data security are two sides of the same coin, and have urged Congress to pass both comprehensive privacy and data security legislation.<sup>3</sup> And, with respect to FTC enforcement, in the *Facebook* settlement, I advocated for and strongly supported the requirements that it establish and maintain *both* a comprehensive privacy and data security program.<sup>4</sup> I believe that such relief also is appropriate in *de novo* cases and am willing to support orders that integrate privacy and data security provisions in future matters.

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<sup>1</sup> These obligations include reviews of all new software for common security vulnerabilities; quarterly scans of its internal network and prompt remediation of critical or severe vulnerabilities; and prohibitions against privacy and security misrepresentations.

<sup>2</sup> Dissenting Statement of Commissioner Rebecca Kelly Slaughter, In the Matter of Zoom Video Communications (Nov. 9, 2020),

[https://www.ftc.gov/system/files/documents/public\\_statements/1582918/1923167zoomslaughterstatement.pdf](https://www.ftc.gov/system/files/documents/public_statements/1582918/1923167zoomslaughterstatement.pdf).

<sup>3</sup> Christine S. Wilson, “A Defining Moment for Privacy: The Time is Ripe for Federal Privacy Legislation,”

Remarks at the Future of Privacy Forum, Washington, DC, February 6, 2020,

[https://www.ftc.gov/system/files/documents/public\\_statements/1566337/commissioner\\_wilson\\_privacy\\_forum\\_speech\\_02-06-2020.pdf](https://www.ftc.gov/system/files/documents/public_statements/1566337/commissioner_wilson_privacy_forum_speech_02-06-2020.pdf);

Oral Statement of Commissioner Christine S. Wilson Before the U.S. House Committee on Energy and Commerce Subcommittee on Consumer Protection and Commerce (May 8, 2019),

[https://www.ftc.gov/system/files/documents/public\\_statements/1519254/commissioner\\_wilson\\_may\\_2019\\_ec\\_opening.pdf](https://www.ftc.gov/system/files/documents/public_statements/1519254/commissioner_wilson_may_2019_ec_opening.pdf);

Oral Statement of Commissioner Christine S. Wilson, FTC, Before the U.S. Senate Committee on Commerce, Science, and Transportation Subcommittee on Consumer Protection, Product Safety, Insurance, and Data Security (Nov. 27, 2018),

[https://www.ftc.gov/system/files/documents/public\\_statements/1423979/commissioner\\_wilson\\_nov\\_2018\\_testimony.pdf](https://www.ftc.gov/system/files/documents/public_statements/1423979/commissioner_wilson_nov_2018_testimony.pdf).

<sup>4</sup> Prepared Remarks of Commissioner Christine S. Wilson, Facebook., Inc. Press Event (July 24, 2019),

[https://www.ftc.gov/system/files/documents/public\\_statements/1537163/wilson\\_-\\_prepared\\_remarks\\_at\\_ftc\\_facebook\\_press\\_conference\\_7-24-19\\_0.pdf](https://www.ftc.gov/system/files/documents/public_statements/1537163/wilson_-_prepared_remarks_at_ftc_facebook_press_conference_7-24-19_0.pdf);

Christine S. Wilson, Remarks at the Global Antitrust Institute: FTC vs. Facebook, Antonin Scalia Law School 6, 10 (Dec. 11, 2019),

[https://www.ftc.gov/system/files/documents/public\\_statements/1557534/commissioner\\_wilson\\_remarks\\_at\\_global\\_antitrust\\_institute\\_12112019.pdf](https://www.ftc.gov/system/files/documents/public_statements/1557534/commissioner_wilson_remarks_at_global_antitrust_institute_12112019.pdf)

I support finalizing the Zoom order because it includes targeted fencing in relief that provides privacy protections to consumers. For example, it prohibits Zoom from misrepresenting its privacy practices, and requires Zoom to implement changes to its naming procedures for saving or storing recorded videoconference meetings, and to develop data deletion policies and procedures. In addition, with respect to the practices that gave rise to the Department of Justice action related to the Zoom employee in China, several provisions in this Order already address this type of conduct. For example, the order requires Zoom to limit access to “Covered Information” by, at a minimum, limiting employee and service provider access to “Covered Information” to what is needed to perform that employee or service provider’s job function and requires all employees to be trained on the requirements of the proposed order. In addition, the order requires Zoom to put in place technical measures to monitor its networks and systems for anomalous activity.

Commissioner Chopra’s dissent argues that the pressures applied to Zoom in China likely are not unique to this company and that the Commission should therefore rethink its “paperwork approach” to privacy and data security enforcement. First, I disagree that the FTC’s privacy and data security orders impose mere paperwork requirements. Notably, privacy scholars have referred to the FTC orders as having created a “common law of privacy” to which practitioners and businesses turn for guidance on how to structure their privacy and data security programs.<sup>5</sup> Second, several other federal agencies, including the Departments of State, Commerce, Homeland Security, and the Central Intelligence Agency, dedicate substantial resources and possess the requisite legal authority to address illegal Chinese surveillance of U.S. citizens. While the underlying issue is one of supreme importance, I submit that it is not within the FTC’s comparative advantage to deploy its finite, limited resources in this area. I prefer to deploy our precious privacy and security resources to enforce Section 5 of the FTC Act and the privacy and data security rules within our jurisdiction. This Commission has steadily strengthened and improved its privacy and data security orders<sup>6</sup> throughout my tenure as a Commissioner and I look forward to continuing these efforts.

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<sup>5</sup> Daniel J. Solove and Woodrow Hartzog, The FTC and the New Common Law of Privacy, 114 COLUMBIA L. REV. 583 (2014) (explaining that FTC settlements have created a common law of privacy that “companies look . . . to guide their privacy practices” and noting that “FTC privacy jurisprudence has become the broadest and most influential regulating force on information privacy in the United States – more so than nearly any privacy statute or common law tort.”)

<sup>6</sup> See, e.g., In the Matter of Everalbum, Inc., No. 192-3172 (Jan. 11, 2021) (requiring the company to obtain consumers’ express consent before using facial recognition technology and to delete the models and algorithms it developed from its users’ uploaded photos and videos), <https://www.ftc.gov/enforcement/cases-proceedings/1923172/everalbum-inc-matter>; U.S. v. Facebook, Inc., No. 19-2184 (TJK) at 1-2 (D.D.C. Apr. 23, 2020) (requiring that Facebook implement a comprehensive privacy and data security program, certifications from the CEO and senior officers, strengthened third-party assessments, and the creation of a Board committee to oversee privacy), available at: [https://www.courtlistener.com/pdf/2020/04/23/united\\_states\\_v\\_facebook\\_inc\\_1.pdf](https://www.courtlistener.com/pdf/2020/04/23/united_states_v_facebook_inc_1.pdf); In the Matter of LightYear Dealer Technologies, LLC, No. C-4687 (Sept. 6, 2019) (requiring more specific security requirements, mandating that a senior officer provide annual certification of compliance to the Commission, and strengthened third-party assessments), <https://www.ftc.gov/enforcement/cases-proceedings/172-3051/lightyear-dealer-technologies-llc-matter-0>; In the Matter of James V. Grago doing business as ClixSense.com, C-4648 (July 2, 2019) (requiring that a senior officer provide annual certifications of compliance to the Commission and prohibiting misrepresentations to third parties conducting assessments of the data security program), <https://www.ftc.gov/enforcement/cases-proceedings/172-3003/james-v-grago-jr-doing-business-clixsensecom>; accord U.S. v. Unixiz, Inc., et al., No. 5:19-cv-2222 (N.D. Cal. 2019), [https://www.ftc.gov/system/files/documents/cases/i-dressup\\_stipulated\\_order\\_ecf\\_4-24-19.pdf](https://www.ftc.gov/system/files/documents/cases/i-dressup_stipulated_order_ecf_4-24-19.pdf); see also Statement

For these reasons, I support finalizing the negotiated settlement with Zoom.

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of the Federal Trade Commission (April 24, 2019) (describing the enhanced provisions in the ClixSense and Unixiz matters), [https://www.ftc.gov/system/files/documents/cases/2019-03-19\\_idressupclixsense\\_statement\\_final.pdf](https://www.ftc.gov/system/files/documents/cases/2019-03-19_idressupclixsense_statement_final.pdf).