

## **Oral Remarks of Commissioner Christine S. Wilson**

### **Open Commission Meeting on October 21, 2021**

Thank you, Chair Khan, for setting aside time for our staff to present a summary of findings from their study of the data collection and use practices of internet service providers (ISPs). I commend to our audience the full text of the report, which contains important insights.<sup>1</sup> I also want to thank our dedicated and experienced staff in the Division of Privacy and Identity Protection (known as DPIP) for their excellent work in conducting this study, preparing the staff report, and delivering this summary of findings today.

I would be remiss if I did not take a moment to thank Maneesha Mithal, the Associate Director of DPIP, and Daniel Kaufman, former Acting Bureau Director for the FTC's Bureau of Consumer Protection, for their supervision of our privacy program. Daniel left the agency last week and Maneesha is leaving shortly. Maneesha and Daniel's exemplary decades of service to the agency were of great benefit to consumers and their loss will be felt for many years to come.

The FTC's ability to conduct industry studies using our 6(b) authority is one of the agency's unique strengths. I support using this authority to continue our learning in this area. The study whose findings we have released today is one step in our journey. We have another study underway analyzing data collection and use by social media and video streaming services.<sup>2</sup> I look forward to reviewing the findings of that study, as well. These studies constitute some of the

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<sup>1</sup> A LOOK AT WHAT ISPS KNOW ABOUT YOU: EXAMINING THE PRIVACY PRACTICES OF SIX MAJOR INTERNET SERVICE PROVIDERS, FTC STAFF REPORT (Oct. 2021), [https://www.ftc.gov/system/files/documents/reports/look-what-isps-know-about-you-examining-privacy-practices-six-major-internet-service-providers/p195402\\_isp\\_6b\\_staff\\_report.pdf](https://www.ftc.gov/system/files/documents/reports/look-what-isps-know-about-you-examining-privacy-practices-six-major-internet-service-providers/p195402_isp_6b_staff_report.pdf).

<sup>2</sup> Press Release, Fed. Trade Comm'n, FTC Orders to Nine Social Media and Video Streaming Services Seeking Data About How They Collect, Use, and Present Information (Dec. 14, 2020), <https://www.ftc.gov/news-events/press-releases/2020/12/ftc-issues-orders-nine-social-media-video-streaming-services>.

most important work the Commission is doing, so I commend our staff for their tireless efforts in this area.

Given these studies and our extensive portfolio of privacy and data security cases,<sup>3</sup> I believe oversight of ISPs for privacy and data security issues should remain at the FTC.<sup>4</sup> I am disappointed that some of my colleagues fail to appreciate the value that we add in this area, and wish to cede jurisdiction to the Federal Communications Commission.<sup>5</sup> But I should not be surprised, given the disdain that current leadership has expressed for our staff and the important work of the agency. I am also disappointed by my colleagues' choice to detract from the significant findings that staff shared with the public today by injecting the highly controversial topic of net neutrality into the discussion. It is a disservice to staff and their hard work on this study.

Thanks again to our dedicated staff for their continued work in this important area.

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<sup>3</sup> Christine S. Wilson, Privacy and Public/Private Partnerships in a Pandemic, Keynote Remarks Privacy + Security Forum 17-18 (May 7, 2020), [https://www.ftc.gov/system/files/documents/public\\_statements/1574938/wilson\\_-\\_remarks\\_at\\_privacy\\_security\\_academy\\_5-7-20.pdf](https://www.ftc.gov/system/files/documents/public_statements/1574938/wilson_-_remarks_at_privacy_security_academy_5-7-20.pdf); Daniel J. Solove and Woodrow Hartzog, The FTC and the New Common Law of Privacy, 114 COLUMBIA L. REV. 583 (2014).

<sup>4</sup> See Comment of Acting Chairman Maureen K. Ohlhausen, Fed. Trade Comm'n, In the Matter of Restoring Internet Freedom (July 17, 2017), [https://www.ftc.gov/system/files/documents/public\\_statements/1231563/mko\\_rif\\_comment\\_7-17-2017\\_final.pdf](https://www.ftc.gov/system/files/documents/public_statements/1231563/mko_rif_comment_7-17-2017_final.pdf); Comment of the Staff of the Federal Trade Commission, In the Matter of Restoring Internet Freedom (July 17, 2017), [https://www.ftc.gov/system/files/documents/advocacy\\_documents/comment-staff-bureau-consumer-protection-bureau-competition-bureau-economics-federal-trade/ftc\\_staff\\_comment\\_to\\_fcc\\_wc\\_docket\\_no17-108\\_7-17-17.pdf](https://www.ftc.gov/system/files/documents/advocacy_documents/comment-staff-bureau-consumer-protection-bureau-competition-bureau-economics-federal-trade/ftc_staff_comment_to_fcc_wc_docket_no17-108_7-17-17.pdf).

<sup>5</sup> See Remarks of Chair Lina M. Khan Regarding the 6(b) Study on the Privacy Practices of Six Major Internet Service Providers (Oct. 21, 2021), [https://www.ftc.gov/system/files/documents/public\\_statements/1597790/20211021\\_isp\\_privacy\\_6b\\_statement\\_of\\_chair\\_khan\\_final.pdf](https://www.ftc.gov/system/files/documents/public_statements/1597790/20211021_isp_privacy_6b_statement_of_chair_khan_final.pdf). Chair Khan also suggested that the Federal Communications Commission promulgate a privacy rule addressing ISP practices, despite the fact that the Congressional Review Act may bar the FCC from doing so.