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Federal Trade Commission
WASHINGTON, D.C. 20580

**REMARKS OF COMMISSIONER REBECCA KELLY SLAUGHTER REGARDING
THE FTC STAFF REPORT – A LOOK AT WHAT ISPs KNOW ABOUT YOU:
EXAMINING THE PRIVACY PRACTICES OF SIX MAJOR INTERNET SERVICE
PROVIDERS¹**

As Prepared for Delivery

October 21, 2021

Thanks to you all for that presentation and to the whole team that worked on this report. It's an important document that shows just how essential our investigative authority can be to uncovering prevalent industry practices. This report sheds light on the truly staggering amount of data collection and surveillance broadband internet service providers (ISPs) conduct on their customers. It points to the need for urgent action across agencies and in Congress to protect users of these ubiquitous and critical services. I think the report speaks well for itself, but I would like to highlight three quick takeaways that were the most important from my perspective.

First, the data uncovered in this report underscores the error of the last administration's rescission of the Open Internet Order, more commonly called Net Neutrality. The FCC is our country's expert telecommunications regulator; it should be able to investigate and regulate the practices of internet services providers, a critical part of telecommunications infrastructure. This report shows how, absent the FCC's oversight, many ISPs participated in a race to the bottom to partake in the lucrative market of monetizing their customer's personal information. I hope the FCC is able to return ISPs to their proper classification as telecom services under Title II and to provide appropriate protections for these essential services.

Second, this report is a call to action for the FTC, too. The study uncovered massive overcollection and surveillance of Americans by their ISPs – practices that are common across the internet ecosystem. **As we just heard, ISPs collect far more information on their customers than is necessary to provide them the service they pay for.** They collect information like browsing history, contents of email, search history, location data, and monetize it to make even more money off their customers in ways I doubt most of their subscribers understand or are ever aware of. The report also highlights the ways in which a notice-and-choice regime to control data collection and abuse is illusory, rendering it functionally ineffective.

Finally, the report illustrates some of the ways in which the harms and abuses that stem from the overcollection that fuels digital surveillance go beyond traditional privacy concerns. In fact, civil rights abuses, digital redlining, and further marginalization of Black and brown

¹ The views expressed in these remarks are my own and do not necessarily reflect the views of the Federal Trade Commission or any other commissioner.

communities, the LGBTQ + community, can all stem from the compilation of this information and its sharing with unrelated businesses. Addressing these equity issues head on is a critical part of the FTC's mission to make sure we have an economy that is fair and works for everyone.

This report demonstrates a prevalence of unavoidable and unfair behavior across the internet economy. While it certainly supports better oversight of ISPs by the FCC through a revived Net Neutrality regime, I think it also shows the value of clear rules on data abuses, including limits on collection and use, to protect people's rights. I look forward to working with all my fellow commissioners to seeing that through.