Remarks at PrivacyCon
Commissioner Julie Brill
January 14, 2016

Good afternoon. Lunch may be over, but the feast of scholarship continues. It is my pleasure to open the afternoon with a few remarks about the research that is on display here at PrivacyCon. But before I go any further, I would like to thank the many members of the FTC staff, whose hard work, expertise, and creativity made today's event not only possible, but also deeply interesting.

Aside from the quality of projects and presentations, one thing struck me about today's agenda. Instead of being organized by discipline – computer science here, economics over there – the day is organized around the key substantive issues in consumer privacy. This thoughtful organization is leading us toward something that we need for sound privacy policy development: a cross-disciplinary, richly detailed picture of consumers and how they make decisions about technology use.

Lurking behind the main regulatory approaches to privacy – whether it is notice-and-choice, informational self-determination, or a use-based model – are questions about individual consumers, their goals in exercising their privacy rights, and their ability to do so in the environment around them. At a high level, two principles should guide policy and practice.

First, individuals have to be in the loop regarding decisions about what data is collected about them and how it is used. Outside the privacy sphere, companies have excelled at helping consumers manage and use highly complex systems. Cars are a great example of this. They are now "computers on wheels," but we can all drive them because companies have kept the complexity behind the user interfaces that are simple to use. I think companies can do the same for privacy, but building the right tools depends on understanding which decisions are most important to individuals.

Second, I am wary of solutions that depend too heavily on any one technical measure. It's a positive development that companies are offering more services that allow individuals to encrypt their communications, and these services are getting more user-friendly. But their ease-of-use is limited to communications that stay within a particular service. If you want to communicate between different services, you may be stuck using tools that only a few select experts can use properly.

But these principles leave many questions open and details unspecified. What data do consumers expect companies to collect from them? How do they expect companies to use this data? What do consumers understand about what actually happens to their data? Which aspects of data processing should be under consumers' control? How effective are the tools that companies offer to consumers to exercise control?

Answering these questions requires a three-dimensional approach. So I am excited to see that researchers are using structured surveys, qualitative interviews, and looking at human-

computer interactions to map out what consumers understand about the data practices of the services and devices that they use.

Of course, it's just as important to understand more about what happens behind the scenes, outside the view of consumers. Data and device security are incredibly important to consumers, yet assessing security remains well beyond the capabilities of most consumers – including most of us in this room. So I am thrilled to see researchers doing a deep dive on security vulnerabilities in specific Internet of Things devices, while others are analyzing data from thousands of vulnerability reports to better understand the kinds of incentives that will spur a virtuous cycle of discovery, reporting, and patching.

Also beyond consumers' purview lies the big data analytics that have developed more quickly than have frameworks for specific, concrete guidance on legal and ethical issues. Our big data report issued last week is intended as our first step towards providing such guidance. The report recommends that companies review their data sets and their algorithms to determine whether they may be having unintended effects, such as treating certain populations disparately and in ways that potentially violate the law. Our report also recommends that companies bring a broad set of fairness and ethical considerations into their use of big data analytics. The presentations in the next segment of PrivacyCon address exactly those issues.

Finally, the institutions that helped to produce the specific pieces of research that are before us are just as important as the research itself. Much of the research presented today comes from institutions that have made substantial, long-term commitments to examining the relationships among law, technology, and public policy. In addition to generating new research that also contains policy insights, these institutions help to train students to become leaders in their fields. Technology-focused centers and clinics have sprouted up at law schools all over the country in the last decade. They expose law students to technology and – just as importantly – to the ways technologists think. Departments, schools, and even entire campuses that make interdisciplinary work a core mission are doing much the same for students of computer science and engineering, economics, public policy, and social sciences.

Building these programs is not easy – it is often easier to stick closer to traditional disciplinary lines. Let me offer a word of encouragement: PrivacyCon is just one example of the impact that scientists, lawyers, and others can have when they are trained to do groundbreaking research as well as to identify and analyze public policy questions. This combination of research capability and capacity for action also describes the design of the FTC itself. So naturally, we are a ready audience for research that sheds light on the challenges we confront in enforcement and policy development. And I hope that the institutions that many of our presenters call home will be lasting platforms for a robust exchange of ideas with the public and private sectors for many years to come.

With that, let's hear what you have.

Thank you, and it is a pleasure to welcome Dan Salsburg to introduce the next panel.