

Concurring Statement of Commissioner Maureen K. Ohlhausen
Staff Cross-Device Tracking Report
January 23, 2017

On January 20, 2017, the Commission voted to permit staff to issue a report entitled “Cross-Device Tracking.”

The FTC has a long history of carefully and thoughtfully evaluating the potential privacy impacts of new technologies. For example, the 2009 Self-Regulatory Behavioral Advertising Report explored online behavioral advertising.¹ That Report was the culmination of a three-year process that started with the issuance for public comment of a set of proposed self-regulatory principles, followed by a public discussion of the issues in a town hall. The Commission staff’s final guidance reflected feedback from more than sixty commenters.

The Behavioral Advertising Report addressed many of the same issues raised by the cross-device linking discussed in today’s report. As was the case with behavioral advertising when it was new, consumers may not expect cross-device linking. The Behavioral Advertising Report noted that consumers might be surprised if their activity on one website informed advertisements on a different website. Likewise, today’s report notes that consumers might be surprised if their activity on one device informed advertising on another device. As such, today’s report does not alter the FTC’s longstanding privacy principles but simply discusses their application in the context of a new technology.

¹ FEDERAL TRADE COMMISSION STAFF, SELF-REGULATORY PRINCIPLES FOR ONLINE BEHAVIORAL ADVERTISING (2009), <https://www.ftc.gov/reports/federal-trade-commission-staff-report-self-regulatory-principles-online-behavioral>.