



Office of Commissioner
Rohit Chopra

UNITED STATES OF AMERICA
Federal Trade Commission
WASHINGTON, D.C. 20580

STATEMENT OF COMMISSIONER ROHIT CHOPRA

*Regarding Final Approval of the NTT Global Data Centers Americas Settlement
Commission File No. D09386
October 27, 2020*

I respectfully dissent from today's action to give final approval to this settlement. Evidence uncovered in the litigation makes clear that businesses relied on NTT's EU-U.S. Privacy Shield promises, yet the settlement proposed does nothing to help these businesses or to meaningfully hold NTT accountable.¹ The Commission's vote to finalize another data protection settlement – with no money, no help for victims, and no admission or findings of liability – is a setback for the FTC's privacy enforcement program. I am hopeful we will change course.

I have recently outlined another way to reduce the FTC's reliance on no-consequences settlements, provide help for victims, and trigger penalties for those who engage in similar conduct.² I extend my sincere thanks to the public commenters who weighed in, in the pursuit of accountability for those that violate their Privacy Shield promises.³

¹ Dissenting Statement of Commissioner Rohit Chopra Regarding the EU-U.S. Privacy Shield Framework in the Matter of NTT Global Data Centers Americas, Comm'n File No. 1823189 (Jun. 30, 2020), <https://www.ftc.gov/public-statements/2020/06/dissenting-statement-commissioner-rohit-chopra-regarding-eu-us-privacy>; Declaration of Christopher Ghazarian, NTT Global Data Centers Americas, Inc., Docket No. 9386 (Dec. 20, 2019).

² Restating longstanding Commission policy regarding misrepresentations of affiliations with the government into a Commission rule would not create any substantive requirements for market participants, but would allow the Commission to more easily obtain appropriate remedies. Statement of Commissioner Rohit Chopra Regarding the Report to Congress on Protecting Older Consumers, Commission File No. P144400 (Oct. 19, 2020), <https://www.ftc.gov/public-statements/2020/10/statement-commissioner-rohit-chopra-regarding-report-congress-protecting>.

³ BEUC – The European Consumer Organisation, (Aug. 6, 2020), <https://beta.regulations.gov/comment/FTC-2020-0053-0002>; Burcu Kilic, on Behalf of Transatlantic Consumer Dialogue (TACD), (Aug. 10, 2020), <https://beta.regulations.gov/comment/FTC-2020-0053-0003>.