



Office of Commissioner  
Rebecca Kelly Slaughter

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**Statement of Commissioner Rebecca Kelly Slaughter**  
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Opening Remarks at PrivacyCon 2021

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Good morning everyone. I'm Commissioner Becca Slaughter and, on behalf of my colleagues at the Federal Trade Commission and my fellow Commissioners, I'd like to welcome you to PrivacyCon 2021! Thanks again to you all for attending virtually again this year. While circumstances have been challenging for all of us, I'm glad we have the tools to convene so many distinguished advocates, technologists, and academics from around the country and across the globe.

Our second virtual conference is a good occasion to note just how much the pandemic has accelerated consumer reliance on digital services, with people turning to online platforms and marketplaces for everything from socializing to soap. The necessity of moving so much of our lives online has also highlighted challenges in the digital marketplace and the serious issues data-driven business models pose to our privacy, autonomy, and society writ large.

You have a full menu ahead of you today, and I want to open the buffet with a little food for thought on two topics.

First, I know we are here today for "Privacy"Con, but I would like to challenge everyone to reject "privacy" as the animating framework for the important issues being discussed at today's conference and among thought leaders generally with respect to our data-driven economy. Today's agenda addresses algorithmic bias, issues around consent, misinformation during the pandemic, and special concerns related to kids and teens, as well as more conventional privacy concepts. The FTC has done work on all these fronts and has recently issued guidance on algorithmic bias and unfairness, and worked to reevaluate outdated and deceptive consent frameworks around dark patterns. These issues go way beyond "privacy" as it is traditionally conceived.

The broad agenda of this PrivacyCon reflects a growing understanding that the data issues with which both the Commission and society at large are concerned have moved past the narrow framework of who has access to your personal data. This emerging understanding is why I prefer the term "data abuses" to the narrower language of "privacy."

Words matter, and “data abuses” reflects the fact that rampant corporate data collection, sharing, and exploitation harms consumers, workers, and competition in ways that go well beyond more traditional or libertarian privacy concerns. We must examine a wide variety of data abuses, including questions of racial bias, civil rights, and economic exclusion, considering practices that undermine personal autonomy and dignity, and reevaluating damaging and dangerous business models and market practices.

In addition to examining these practices, we need to consider what to do about the problems we find in the market. And the second challenge I would like to issue today is the following: Can we move away from the outdated notice-and-consent model to govern questions surrounding personal data, and instead turn our focus to the underlying business structures and incentives that are anchored in indiscriminate collection and application of personal data to fuel data-driven business models such as behavioral advertising? It is this underlying incentive structure that has caused so many of the harms and privacy risks we’re here to discuss today.

Rather than focusing on opt-in versus opt-out, and whether privacy policies are clear enough, I believe we should be discussing the concept of data minimization, a principle that would ensure companies can collect only the information necessary to provide consumers with the service on offer, and use the data they collect only to provide that service. That minimization could be coupled with further use, purpose, sharing, and security requirements to ensure that the information companies can permissibly collect isn’t used to build tools or services that imperil people’s civil rights, economic opportunities, or personal autonomy. Corporate self-dealing is also a serious problem in the data ecosystem and as long as key digital markets are controlled by just a few large, data-hungry online platforms, both consumers and prospective entrants are at their mercy.

The Commission has a shared concern about many of these practices and I’ve heard the call from members of the public at our two open meetings for us to take decisive action against these abuses. This moment of renewed energy at the FTC offers a window of time to catalyze meaningful changes in the markets and ensure that the data economy actually works for people, not just the largest corporate players. And, of course, unchecked data collection is not just a consumer protection issue. It is also a competition issue, as the enormous amounts of data incumbents have collected gives them a profound advantage when competing against new entrants or seeking to enter new product markets themselves. We absolutely must look at these issues holistically, rather than myopically viewing them through the lens of either competition or consumer protection.

I believe that the FTC has an obligation to use all the tools in its toolbox to address these issues. Simply challenging the application of abusive data practices on a case-by-case basis isn’t likely to bring about the systemic change we need to see in the market.

The FTC has benefited greatly from workshops and conferences like this one. And I hope participants and observers of today’s conference help us chart a path forward so we can build a more fair and just future together.

Thanks again to everyone from the FTC that made today's event possible – especially our agency's speakers and moderators. And to our attendees, I'm personally grateful for your work and hope to hear more from you all at the Commission. It's now my honor and pleasure to introduce Erie Meyer, the FTC's chief technologist, for additional opening remarks.