

Online Privacy: Need for Uniform Consumer Protections



Today, online data flows seamlessly across the internet ecosystem among various companies including devices, operating systems, browsers, Internet Service Providers (ISPs), apps, online services, and advertising networks. But over time, federal and state regulators have aimed to treat and protect the very same consumer data flowing through this complex ecosystem differently based solely on the type of company that handles the data. It is time for Congress to ensure one set of protections for American consumers, no matter where they are on the internet or how they access data.

Where We've Been

For the past 20 years, the Federal Trade Commission (FTC) has developed a balanced and flexible privacy framework which applies consistently to actors in the online ecosystem. This framework includes guidance on transparency and choice and provides strong consumer privacy protections, while fostering innovation, investment, and new services. The FTC has also been a strong enforcer, bringing over 500 cases protecting the privacy and security of consumer information.

From 2015 to the beginning of 2017, the Federal Communications Commission (FCC) also sought jurisdiction over consumer internet privacy protections, applying different privacy protections to ISPs than to other actors in the internet ecosystem. These rules were repealed before they took effect, and in response, states and localities considered an unnecessary patchwork of conflicting rules for online data.

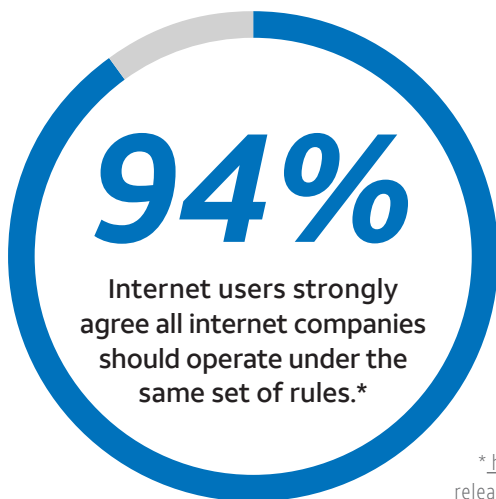
In its Restoring Internet Freedom order, the FCC returned oversight and enforcement authority over ISP consumer privacy practices to the FTC. However, the best path forward is for Congress to confirm the FTC's exclusive jurisdiction over online privacy, as well as codify a uniform and consistent privacy regime for all online data.

An Internet Bill of Rights Going Forward

Congressional action is needed to establish an "Internet Bill of Rights" that applies to all internet companies and guarantees transparency, openness, non-discrimination, and privacy protection for all internet users. Federal legislation should create a unified regulatory regime for privacy, data security, and breach notification, consistent with the standards developed and enforced by the FTC over the past 20 years. This set of privacy protections must apply equally to all online companies, including devices, operating systems, browsers, ISPs, apps, online services, and advertising networks. Protections should be based on the sensitivity of the consumer's data, not the type of company holding it.

Consumer And Innovation Benefits

Uniform privacy rules will offer consumers a **greater sense of security**, and enhance **consumer confidence**. This, in turn, will promote greater online access that will spur the virtuous cycle of **investment and innovation** to create new internet services and applications. Innovative platforms will enable societal benefits such as smart cities, connected cars, and connected health. Protections should be based on the sensitivity of the consumer's data, not the type of company holding it. This is what consumers expect when they go online.



* <http://www.progressivepolicy.org/press/press-releases/press-release-consumers-want-one-set-rules-protecting-information/>