

July 19, 2019

Dirksen Senate Office Building  
50 Constitution Ave NE  
Washington, DC 20002

Dear Senator Blackburn,

We write to you regarding your Senate Task Force on Privacy. We appreciate your interest in this critical issue. We urge you to work closely with consumer and privacy organizations in addition to your meetings with industry groups.

For too long, tech companies have determined the privacy policies in the United States. The consequence has been spiraling levels of data breach and identity theft. Foreign adversaries now seek the personal data collected by US firms. Companies avoid liability for their acts and defend immunities that no other industry enjoys. Industry groups have resisted the passage of meaningful privacy laws and when strong privacy laws are enacted, they come to Washington and ask you to preempt these safeguards.

We recognize the need for innovation and competition. Consumers and businesses both benefit from a vibrant marketplace. But today's Internet economy is dominated by a few companies who spy on smaller firms, preference their own services, and eliminate competition through litigation and acquisition.

The United States needs comprehensive, baseline federal legislation. The focus should be limits on the collection, use, and disclosure of personal data. Companies should be held accountable when they choose to collect personal data. And innovation will emerge as companies develop new business practices that are less dependent on the gathering of our data.

The United States also needs an independent data protection agency. As you and others have said, the Federal Trade Commission has simply failed in this role. The evidence was provided by the market's response to the recently leaked FTC "enforcement" action – Facebook's stock shot up because investigators recognized that the Commission would not block Facebook's efforts to integrate the messaging services WhatsApp and Instagram. Many of us warned that FTC not to approve those mergers, but the Commission has not only failed to provide necessary privacy safeguards for consumers it has enabled industry consolidation. And when it had the opportunity to undo the damage, the Commission looked the other way.

We can no longer let industry groups and ineffective agencies decide how much privacy Americans may have. We need you to pursue an open and inclusive process that ensures that meetings are held in public, that a record is established, and that the voices of consumers are heard.

We look forward to working with you.

Sincerely,

Electronic Privacy Information Center  
Campaign for a Commercial-Free Childhood  
Center for Digital Democracy  
Consumer Action  
Consumer Federation of America  
Defending Rights & Dissent  
Government Accountability Project  
Knowledge Ecology International  
Patient Privacy Rights  
Privacy Rights Clearinghouse  
Privacy Times