



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

Statement of Commissioner Rebecca Kelly Slaughter
Regarding the Health Breach Notification Rule and the Biometric Policy Statement
As Prepared for Delivery

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Thank you, Ben, and everyone at DPIIP, for the presentation and for doing the hard work of protecting Americans' privacy. Despite DPIIP's modest size and considerable resource constraints compared to our sister agencies, I believe we're doing some of the most innovative privacy and consumer protection work in the world. Ben's presentation shows just how adaptable and innovative our staff have been at addressing new technological challenges in this rapidly changing environment.

Picking up one thread in that presentation, I'm especially proud of the work the FTC has done to advance the privacy protections of kids and teens. All three Commissioners currently serving are parents, and I think it's fair to say that we're all above average in our tech-savviness. We know just how exhausting and impossible it is in practice for parents to navigate digital consents for every online service their kids use. That's why the novel provisions in our settlements with Epic Games and Chegg are so important. They move the burden away from parents and toward the companies to make services more privacy-protective by default and to minimize the data that companies collect on our kids. A key insight—that data that isn't collected can't be misused, breached, or shared—is one that we've put in place across DPIIP's enforcement work, in Drizly, GoodRx and others. I hope we continue to make it clear that protecting their users' privacy, including by shifting the burden of doing that away from their users, has to be a priority for companies that traffic in consumer data. Which brings me to the two other items on today's agenda.

I'm pleased to support the Commission's biometric policy statement. It appropriately highlights the risk of widespread deployment of this technology, including more commercial surveillance out in the real world—in retail stores, arenas, airports, and other venues. The risks of collecting and using this information go beyond privacy and data-security risks. The statement makes clear that we're also watching for the potential for discriminatory and civil rights risks of this information being used to approve or deny people access to economic and other benefits or opportunities. I hope that this policy statement and the ongoing work of the Commission shows industry that we are well-prepared to use our Section 5 authority prohibiting unfair or deceptive acts or practices against abuses of, or any other new, technology.

I want to particularly acknowledge Commissioner Bedoya's leadership in the field of biometric privacy and thank him for his work—long before he came to the Commission—that helped call attention to the risks of biometric surveillance. When I first started at the FTC some

five years ago, and I wanted to better understand the issues surrounding biometric surveillance, then-Professor Bedoya was my first call. He generously gave his time and energy to help explain the markets, the research, and the implications of this technology to me. I appreciated it then, and I appreciate even more now that the Commission gets to benefit directly from his input, expertise, and leadership.

I am also happy to support the notice of proposed rulemaking to update, clarify, and strengthen the Commission's Health Breach Notifica