FTC Open Commission Meeting - May 19th, 2022

Lina Khan:

Good afternoon, everyone, and thanks for joining us. This meeting will come to order. We are meeting today in open session to consider certain items before the commission. Before we start off, I want to welcome our newest commissioner, Commissioner Alvaro Bedoya, and congratulate him on his appointment. I know I join my fellow commissioners in saying that it's such an honor to be working with you now, and we're also thrilled that you're finally here, restoring the commission to full strength, so big welcome to the FTC and your first open commission meeting. As always, we'll get started by hearing from members of the public, and I will turn it over to Peter Kaplan.

Peter Kaplan:

The FTC is recording this event, which may be maintained, used, and disclosed to the extent authorized or required by applicable law, regulation, or order, and it may be made available, in whole or in part, in the public record in accordance with the commission's rules. Now we'll here from members of the public. Each member of the public will be given two minutes to address the commission. Our first speaker is Amelia Vance. Amelia.

Amelia Vance:

Hello, and thank you so much for allowing me to speak today. My name is Amelia Vance, and I am an expert in child and student privacy and co-chair of the Federal Education Privacy Coalition, which is made up of mostly education membership associations, such as the school superintendents, national PTA, the NEA-AFT, and the Council of Chief State School Officers. I was also honored to previously participate in the last two FTC workshops on COPPA and COPPA in the context of ed tech. As I saw that the commission is discussing a policy statement on this topic, I wanted to raise that it is very important to consider exactly what the repercussions might be in not allowing schools to consent on behalf of parents when it comes to education technology, particularly [inaudible 00:02:18] education technology that is used as textbooks, or in the routine school functions.

Amelia Vance:

The likely impact of such a restriction would be cutting out probably all education technology from schools where students are under the age of 13, and I hope that the commission will spend some time reviewing this issue to ensure that a nuanced and balanced privacy protective solution is available for

both students' privacy, advocates, parents, and others to provide the best education to children. Thank you so much.

Peter Kaplan:

Thank you, Amelia. Our next speaker is Elana Zeide. Elana. Elana, I think you're muted.

Elana Zeide:

Ah. Thank you. It would not be a Zoom call without that. So, I'm Elana Zeide. I'm an education and youth privacy expert and president of the University of Nebraska College of Law. Thanks for listening to me. I go sort of right on and consult with educational companies that use youth and student information, and for me, as the FTC is considering changing regulations and revising its policies, there are two really crucial components. One is that parents understandably want more control over schools' choice of education technology, and often, the technologies are not sufficiently privacy protective, or validated in terms of their efficacy, algorithmic accountability, potential for algorithmic bias. At the same time, it would be incredibly burdensome and chaotic to permit parents to opt out individually, of specific technologies.

Elana Zeide:

As a result, I think it's important that your policies encourage, if not require, sufficient transparency for the parents and the public to be reassured that schools are conducting their due diligence before they adopt and consent to the use of education technologies on parents' behalf. There needs to be transparency both on the specific school and district level, and ideally, transparency regarding school practices overall, perhaps with some overall research or information that you might be able to collect.

Elana Zeide:

There also needs to be clarity for educators, in terms of what they need to do to conduct their due diligence, and I think limits on the degree to which individual teachers can consent and use technologies without district or school approval. Vendors, I know are also in a difficult position, because they are in some ways at the mercy of schools' own practices, and I know in many cases, they feel uncertain as to whether the schools are in fact doing the due diligence, and again, obtain the consent as they should be doing, leaving vendors in a bit of a bind. In any case, I think it's important to strike a balance here, between parents' understandable desire to control and govern the information that is disclosed about their children with the practicalities of the educational environment, and a certain need for a uniformity of practice to ensure that school administration can [inaudible 00:05:57]

Peter Kaplan:

Thanks, Elana.

Elana Zeide:

Thanks.

Peter Kaplan:

Thank you. Thanks a lot, Elana. Our next speaker is Sandra Garcia. Sandra.

Sandra Garcia:

Thank you for this opportunity to speak. I come as a consumer, a daughter, and an advocate for the public, and I spent countless hours these last few days on all federal agency websites in search for help and answers, and I'm very grateful for all the hard work and effort in protecting and guiding consumers and identity theft. Unfortunately, I have found a detrimental loop in the system, and wish to make the FTC aware, and can only hope the matter will be considered and addressed. We have great information available to the public on what to do when we're victims of identity theft, and steps to remedy it, and every individual in this country faces that daunting prospect of having their identity stolen.

Sandra Garcia:

However, there's a very specific situation that all federal agencies have failed to address, and in short, recognize that we are in a reactive state, where until there's a monetary loss, no agency will so much as investigate, although they recognize it is a serious problem, and when an individual fraudulently uses someone else's Social Security number for employment, they can do so to a point of remaining under the radar, so to speak. This is not new, and in fact, many can get away with this for years if they do it correctly, and I personally have an elderly father who has been retired for decades, and it's not until now that we come to realize someone has been using his Social Security number strictly, so far, for employment these last eight years, and I've spoken to absolutely every federal agency, including the police, all to be told, "Unless there's a monetary loss, even though someone's clearly using your Social, we cannot take action, until this individual attempts to take further financial steps."

Sandra Garcia:

I personally work for a federal agency, so I'm very familiar how difficult it can be to enact a new law or process. However, I also know that unless we take an initial step to look into the matter, nothing will ever get done. So I do plead with the FTC to consider looking into this loophole that affects millions of Americans on a daily basis, and many not even aware of it. But once they do, they have absolutely no one taking action, other than relaying the message that basically, "Until this becomes a bigger problem, then we can take action." Thank you for your time.

Peter Kaplan:

Thank you, Sandra. Thanks a lot. Our next speaker is Eileen Harrington. Eileen.

Eileen Harrington:

Thanks, Peter. I was a career senior executive and civil servant at the Federal Trade Commission for more than 27 years, serving as executive director, acting BCP director, associate director for marketing practices, deputy BCP director, assistant director, and staff attorney. I parked my politics at the door and took policy direction from the commission, as do all of the members of its career staff. I am alarmed and deeply concerned about the obvious disconnect currently between the agency's career staff and political leadership. The agency's productivity and effectiveness depend on an engaged career staff, and engagement grows from a culture of mutual respect, collaboration, and inclusion.

Eileen Harrington:

For 40 years, this was the culture at the Federal Trade Commission, regardless of the party holding the majority. Today, it is not. The employee engagement survey is evidence. Staff departures and widely reported staff discontent provide additional confirmation. COVID is no excuse, and suggestion boxes are not the answer. What message does it send to staff when career members of the senior executive service, the backbone of the agency's management, rarely if ever meet with the chair, when staff is cut

out and forbidden to speak? The FTC is not a failed agency, but it's on the road to becoming one. This is a crisis. It's an urgent topic that deserves more than two minutes. It requires the humility to admit to and correct mistakes, a restoration of collegiality, at the commission and throughout the agency, and good management.

Eileen Harrington:

People who want the agency to succeed, your career members of the senior executive service, your career staff, former career SES members, leaders, and staff members, and former political leaders for that matter, all want the agency to succeed, and can help. We are on your side. Please listen.

Peter Kaplan:

Thanks, Eileen. Our next speaker is Sara Kloek. Sara.

Sara Kloek:

Thanks, Peter. Chair Khan and members of the commission, thank you for allowing me to speak today. I want to extend a personal congratulations to Commissioner Bedoya on his first open meeting. I'm very happy to see you here. My name is Sara Kloek, and I'm the senior director of education policy at the Software and Information Industry Association. My organization represents the education technology industry, and we have worked closely with the Federal Trade Commission, the US Department of Education, as well as school, district, and state education technology leaders over the years on how best to protect student privacy.

Sara Kloek:

Over the past decade, dozens of states have passed privacy laws regulating education technology. States and districts have been hard at work implementing their own privacy programs. District practices, state laws, and federal laws, including but not limited to COPPA, create a rich framework for privacy protection, student and parent rights, and enforcement by bodies like the Federal Trade Commission and the US Department of Education.

Sara Kloek:

My organization, along with the Future of Privacy Forum, launched the Student Privacy Pledge nearly a decade ago, and updated it just two years ago. There are currently 246 signatories of the pledge. We've also been pleased to participate, along with many other leaders in the education privacy space, at the Department of Education and FTC joint workshops held over the past few years. We look forward to hearing more about the policy statement today, and look forward to continuing to work alongside the education community to protect student data privacy and ensure students across our country have access to an equitable education. Thank you for your time.

Peter Kaplan:

Thank you, Sara. Our next speaker is Laura Lee Blake. Laura.

Laura Lee Blake:

Thank you so much. My name is Laura Lee Blake, and I am the president of CEO of AAHOA, the Asian American Hotel Owners Association. As you may know, AAHOA has more than 20,000 members, who own nearly 60% of all hotels across the United States. This segment of the economy, we have more than

80% of the franchisees in the hotel industry. There are many unfair practices in the franchising industry, especially for hoteliers. We recently revamped what's known as the AAHOA 12 Points of Fair Franchising, so I raise with you today three high concerns that we're seeing, that have gotten increasingly worse in recent years.

Laura Lee Blake:

The first is vendor kickbacks to the franchisors. Now, the word kickbacks is a very strong word. I recognize that. We are not alleging that there's any criminal activity, but instead, what we're looking at is that there is money being given back to the franchisors, often because of a confidential agreement or coercion. The undisclosed kickbacks are rising, because the franchisors are requiring their hotel franchisees to purchase products and services from only a select group of mandated vendors. These vendors then return the money to the franchisor, excuse me, to the franchisors. Meanwhile, the franchisees are often paying double or even triple the normal price of these products and services. We are seeing numbers of up to 10% or more of a franchisor's revenues that are coming from these undisclosed kickbacks, to the tune of, for example, one franchisor, we saw a recent announcement that it might be up to 80 million or more.

Laura Lee Blake:

A second area of concern is online travel agencies, or OTAs. Two of them have almost complete control of the industry, and with their additional charges, they are squeezing the margins of the franchisees. The franchisors are still also collecting the moneys on these amounts.

Peter Kaplan:

Thanks-

Laura Lee Blake:

The final area-

Peter Kaplan:

Thanks, Laura.

Laura Lee Blake:

Okay. Thank you [inaudible 00:14:56]

Peter Kaplan:

Thank you, bye. Thanks, Laura. Our next speaker is Sara Geoghegan. Sara.

Sara Geoghegan:

Good afternoon, Chair Khan and commissioners, and congratulations on your recent confirmation, Commissioner Bedoya. My name is Sara Geoghegan, and I am a law fellow at the Electronic Privacy Information Center, or EPIC. On behalf of EPIC, I want to commend the commission for the adoption of today's COPPA policy statement. With a full slate of commissioners now, consumers across the country look to you to fulfill your mandate to protect the public from harmful commercial data practices, especially vulnerable groups, like children and students.

Sara Geoghegan:

As you know, the COVID-19 pandemic has exacerbated data abuses and inequalities that have already existed in many industries, including education technology. While the ed tech industry has grown enormously during the pandemic, ed tech firms have capitalized on a lack of regulation, oversight, and privacy enforcement. Ed tech systems can collect vast amount of students' personal data, sometimes including biometric data, and ed tech increasingly relies on automated decision-making tools that can reinforce discriminatory patterns, which particularly harm students of color, students with disabilities, and gender nonconforming students.

Sara Geoghegan:

As we detailed in a December 2020 complaint, online proctoring systems use invasive techniques, such as personal room scans, facial recognition software, and eye scans, to surveil and analyze student behavior. The companies that marketed these systems contend that they can reliably and accurately flag signs of academic dishonesty, but these claims are unproven. At a minimum, these and other ed tech firms should be required to limit their personal data collection, submit to annual audits by independent third parties, and comply with basics requirements for trustworthy AI and automated decision-making.

Sara Geoghegan:

As highlighted in a recent whitepaper, we strongly encourage the commission to use all of its authorities to protect students and children. EPIC urges the commission to undertake a data privacy rulemaking to establish a data minimization rule. We commend the commission for undertaking this issue, and implore you to build on today's COPPA policy statement to protect students and children from unwanted, unwarranted, and unnecessary surveillance. Thank you.

Peter Kaplan:

Thank you, Sara. Our next speaker is Keith Miller. Keith.

Keith Miller:

Thank you, commissioners, for allowing the public to comment, and welcome Commissioner Bedoya. Congratulations on making it through that Senate process, they call deliberative, I'd call excruciating. My name is Keith Miller from Franchisee Advocacy Consulting. In that role, I am representing [inaudible 00:17:38] Asian America Hotel Owners Association and the American Association of Franchisees and Dealers. I've also been a Subway franchisee since 1988. First, I would like to thank the commission for taking a more active role in the franchise space. Today, I'd simply like to relate a concept that I think needs to be considered as we move forward.

Keith Miller:

I'd like to take credit for that concept, but that goes to a wise man who spoke at a recent conference, someone I know all of you know. In franchising, we know the FTC has a franchise rule or presale disclosure. Any oversight is based on whether the FDD is complete and accurate at the time it was published, but I think we need to view that differently. Well, it should be accurate, we need to get past that single point in time. After all, franchisees are signing franchise agreements up to 20 years. The FDD is outlining the business the franchisor is selling, we need to look at that document going forward as a warranty. I'll repeat that, the FDD should be a warranty into what the franchisor is selling, after all, shouldn't the franchisee be buying what the franchisor is selling?

Keith Miller:

And if what is being sold is changed after you buy it, wouldn't we normally call that bait and switch? Yes, things can change, but after you buy, one party shouldn't be able to unilaterally change the terms and in a sense, void that warranty. As we move forward looking at the rule, I think it is important to protect that simple concept, to protect what the franchisee has bought is what they were sold. Thank you.

Peter Kaplan:

Thank you, Keith and thank you to all of today's speakers. And now I'm going to turn things back over to the chair. Chair Khan.

Lina Khan:

Thanks so much, Peter, and thanks so much to everybody who came to speak. So we'll turn now to the items we have on the agenda, the first topic on the agenda is the policy statement on education technology and the Children's Online Privacy Protection Act. I want to give a big thanks to the Bureau of Consumer Protections, Peder Magee, Jim Trilling, Mark Icon, and Kristin Cohen for their tremendous work. Not only on this statement, but more generally in their work in force COPPA, issuing rules and developing guidance relating to children's online privacy. Thank you also to Josephine Liu, Rich Gold and Liz Tucci and our office of general counsel for their input, and June Chang, Lesley Fair, and Jennifer Leach and also from the Bureau of Consumer Protection for getting the word out.

Lina Khan:

The Federal Trade Commission's work with Congress to promote children's privacy is a Testament to its foresight and its credentials as an early leader in this field. In 1998, the commission published a report recommending that Congress pass legislation to address children's online privacy, and that same year Congress enacted the Children's Online Privacy Protection Act, or COPPA, which gave the FTC rulemaking authority to implement the law. By late 1999, the commission had used this authority to promulgate the COPPA rule.

Lina Khan:

Although much of today's internet economy, including the prevalence of education technology used regularly in the classroom, would've seemed fantastical at the time, the original COPPA rule was drafted, the rule still applies to today's technologies. Indeed, the explosion of technologies directed to children, and in particular education technologies in our school whose adoption was hasted by the pandemic, make it more important than ever that we enforce COPPA to its full extent. While COPPA is known primarily for its notice and consent provisions, it's important for businesses to also be on notice of its provisions that govern the use, retention and collection of children's data. To this end, FTC staff drafted a policy statement clarifying these provisions of COPPA. Today's statement underscores how the substantive protections of the COPPA rule ensure that children can do their schoolwork without having to surrender to commercial surveillance practices. I strongly support it.

Lina Khan:

The ability of businesses to monetize user information has created a vast ecosystem of companies whose business model incentivizes the vast tracking and collection of personal data from one's geolocation and engagement with content to profiling individuals in the full set of websites when it's visited. There are early indications that these types of surveillance practices are beginning to invade ed tech, creating the risk that students will be profiled and targeted and that their sensitive information

could be exposed as part of a data breach. The notice in consent approach to privacy can be particularly inadequate in context where people lack real choice or alternatives. For example, a parent who is uncomfortable signing up their child for expansive tracking and data collection may do so anyway if it's the only way that the child can do their schoolwork. Fortunately, though COPPA is often thought of as a notice and consent regime, the substantive limits on what data can be collected and how it can be used and retained are also critical.

Lina Khan:

In other words, ed tech providers and other companies covered by COPPA are prohibited from engaging in the types of data collection and monetization practices that have taken hold in other digital services. Today's policy statements puts COPPA covered companies, including ed tech firms, on notice for these prohibitions. There are a few key aspects of the statement that I'd like to highlight. First, there are clear restrictions on the types of data that these businesses can collect in the first place, specifically, the collection prohibitions of the COPPA rule forbid COPPA covered companies from conditioning access to an activity on the collection of more information than is reasonably necessary for the child to participate in the activity. That means that companies must have a reason connected to administering the child's participation in an activity that they need to collect each data field that they do collect. If a company doesn't strictly need the data for the purpose of offering the service, the company cannot require that someone provide that data in order to access the service.

Lina Khan:

Simply put, an ed tech provider cannot require that parents or schools sign off on sweeping data collection of children as a condition of children accessing the ed tech service. Second, there are limits on how ed tech companies can use the data that they collect on children. A school's ability to consent on behalf of parents is limited to data collected in the context of educational services, this means that for ed tech companies operating based on authorization from a school district or a school, the children's data they collect cannot end up as part of any score, algorithm, profile or database that is used for targeted advertising or any other commercial use. Third, COPPA covered companies must retain such information only as long as is reasonably necessary to fulfill that purpose. This means that companies, once they collect a child's data, cannot hang onto it for speculative future uses. The commission's recent enforcement action against Kurbo, which we alleged had retained children's data indefinitely without regard to whether it was necessary for the reasons they originally collected it underscores this important provision.

Lina Khan:

Lastly, if an ed tech provider must collect data and must retain it, the COPPA rule also requires ed tech providers to establish and maintain reasonable procedures, protect the confidentiality, security and integrity of personal information collected from children. In other words, companies that don't keep kids' data secure are violating COPPA, whether or not they suffer a breach. Today's policy statement underscores the importance of safeguarding children's privacy protections in today's digital economy. The collection, use and retention limitations of COPPA place notable limits on digital companies operating in our schools. Though analyst tracking and expansive use of data across context have become increasingly common practices across the broader economy, companies cannot extend these practices into the context of schools and learning. COPPA is a critical tool in the FTCs toolbox, one that I'm committed for us to use vigorously, but it can only go so far, especially given the dramatic changes in how firms collect, use and monetize children's data.

Lina Khan:

I understand that Congress is considering what updates might be necessary to adapt COPPA to market realities and I very much welcome these efforts. At the FTC, we are also considering ways to strengthen and update our rules and expand their protections more broadly, including in the COPPA context. Thanks again to the FTC team that worked on this important initiative. With that, I am making the following motion, I move that the commission approved and published the policy statement of the Federal Trade Commission on education technology and the Children's Online Privacy Protection Act that my office circulated today, May 19, under matter number P155401, which reflected changes made since the May 4th circulation of staff's recommendation. Is there a second?

Rebecca Slaughter:

I'll second madam chair.

Lina Khan:

Thanks commissioner Slaughter. I'll now turn it to my fellow commissioners to share any remarks before this item is moved for a vote starting with commissioner Phillips.

Noah Phillips:

Thank you, madam chair. And let me begin where you began in welcoming my friend, and now colleague, commissioner Bedoya to the Federal Trade Commission. We are all very excited at his arrival, but I think more importantly than that, to be working with him going forward. So welcome Alvaro. Thanks, also, to the speakers today, I thought we heard some very interesting and important input on a variety of issues, but including COPPA policy and I think we need to take all of that input as we always do from the public seriously. So 20 years ago, as you just heard, Congress enacted COPPA with the goal of increasing children's privacy and safety online by, among other things, ensuring parental involvement with children's online's activities, limiting the amount of personal information that operators can collect from children without parental consent and requiring that children's personal information be adequately secured.

Noah Phillips:

Congress gave the FTC enforcement authority and tasked us with promulgating the COPPA rule, which is the regulation that we enforce. Today's policy statement is nothing particularly new, it reiterates the requirements of COPPA and highlights guidance from the FAQs on our website, which our expert staff have given businesses for years. I'm not going to go through all the same names as the chair did, but thanks to everyone, Kristin, Mark, Peder, the whole team, for their work on this statement which I'm happy to support.

Noah Phillips:

In July, 2019, we began a regulatory review of the COPPA rule, that rule review requested public comment on important questions, such as should operators be able to use the personal information they collect from children to improve their product? Should operators be able to use the personal information collected from children to improve other educational or non-educational products? We received over 170,000 responses from stakeholders, which is a record in the commission's history. I am grateful for the public's willingness to engage and offered thoughtful feedback and I am concerned that our review of the COPPA rule has dragged on for years, in part because of the outside pressure to delay it. This statement says that COPPA is a priority and doing our job of looking at the rule must be part of

that. I'm happy to support the statement again, and I hope that my fellow commissioners will prioritize completing the rule review process that we began nearly three years ago. Thank you, madam chair.

Lina Khan:

Thanks commissioner Phillips. Commissioner slaughter.

Rebecca Slaughter:

Thank you, madam chair. And I will join you and commissioner Phillips in starting out by welcoming commissioner Bedoya, we are so happy to have him on board, and it is so timely for his arrival that we're talking about COPPA today, because this is an area where I know his expertise and insight will be really invaluable to the commission. So welcome, Alvaro, we're so glad to have you. And I will also echo commissioner Phillips in thanking the commentators we had this morning whose thoughtful contributions are really useful to us as we consider how to proceed on a variety of issues. Finally, I want to add my support for the commission's policy statement and COPPA and education technology. I'm really happy that the commission is able to speak with one voice and put to bed any lingering doubts about our resolve to take COPPA and it's all of its statutory protection seriously.

Rebecca Slaughter:

The explosion of ed tech and distance learning during the pandemic has made these protections even more important. Like so many other Americans, I've seen this market grow firsthand. We had kids in Zoom school for much of the pandemic. My oldest daughter, my second kid was in kindergarten when the pandemic started, she learned to read online through Zoom school and I couldn't be more grateful to our local public schools, the amazing teachers that my kids have had and to the technology that has enabled them to learn even in suboptimal situations. Although I will add that they are thrilled to be back to in person school as well.But even now, they're using ed tech devices and applications provided to them by the school to continue their learning in and out of the building and at home in our living rooms.

Rebecca Slaughter:

As the commission's statement emphasizes, there are huge benefits to using this technology to facilitate learning, but they absolutely cannot come at the price of surveillance of our kids, an unlawful collection and use of their information. As commissioner Phillips noted, the commission has an ongoing COPPA rule review, but I hope we'll keep our regulations updated by addressing some of the specific issues with ed tech around school based consent, additional prohibitions on data collection and use, and the privacy implications of children keeping school provided devices with them as they travel to and from their homes to school and out in the world.

Rebecca Slaughter:

That said, even in the context of our ongoing review, this policy statement is timely and even necessary. The policy statement highlights underappreciated aspects of the law that I'd like to underscore and this goes to the fact that I think COPPA is thought of primarily as a rule that puts parents in the driver's seat and implements a notice and consent regime for the collection of children's data. And that has a lot of value, it continues to have value, but it is not the only operative part of COPPA. And as a parent, while I appreciate being in the driver's seat, I also understand that I actually can't drive all the things that my children are doing on a day to day basis. And I think about this as a parent who is relatively [inaudible 00:32:50] with technology and understands and cares deeply about privacy and the law, there just aren't enough hours in the day to do all of that micromanaging of my children's use of technology.

Rebecca Slaughter:

And so that's why I think the other provisions of COPPA that are in the statute are really immaterial and it is really important for our work, not only in protecting children, but in combating surveillance and data abuses, creating deterrence for bad actors and ensuring fair competition across the board. So I'd like to quickly highlight two of those provisions. Most importantly, folks that aren't steeped in the intricacies of privacy law may be surprised to know that COPPA provides for perhaps the strongest, though not as widely enforced, data minimization rule in US law. As the policy statement plainly reiterates, COPPA covered companies, including ed tech providers, must not condition participation in any activity on a child disclosing more information than is reasonably necessary for the child to participate in that activity. Enforcing this hard prohibition on unnecessary data collection helps keeps kids out of the surveillance economy by depriving that engine the fuel it needs to run.

Rebecca Slaughter:

COPPA also limits the use of information companies are allowed to collect absent proper parental or school authorization. That means companies and ed tech providers can only use the information they collect through the use of their service for the provision of their service. For ed tech, that means a prohibition on using that information for marketing, advertising or other commercial purposes unrelated to the provision of the service. These statutory provisions do not apply exclusively to ed tech companies and their rigors enforcement will stretch beyond the ed tech ecosystem too. A recent study suggested that up to a fifth of all the Android apps available on the Play Store directed at kids may be in violation of the statute. I hope all COPPA covered companies take a long look at the text of the statute and think as seriously about their compliance obligations as we'll think about our enforcement [inaudible 00:34:56].

Rebecca Slaughter:

Enforcement of these two provisions can have important competition effects as well. I'd like to see ed tech and other companies compete to build products focused on enriching our children's lives. These companies should compete on the actual value of their products to children and not pad their bottom lines by selling or sharing our kids information. Privacy is a human right, everyone, especially children, should be able to get an education and participate in society without unwarranted surveillance or exploitation. I look forward to continuing to work with all of my fellow commissioners on these data abuse issues. And finally, I want to extend my thanks to everyone that worked on this statement, especially to Jim, Peder, Mark, Kristin, Leslie, June, Jennifer, Rich, Josephine and Kevin. Thank you all for your hard work on this and all the other ways you're supporting the commission every day. Thank you very much, madam chair.

Lina Khan:

Thanks so much, commissioner slaughter. Commissioner Wilson.

Christine Wilson:

Thank you, chair Khan. Today, the commission issues a policy statement

Christine Wilson:

... on education technology and The Children's Online Privacy Protection Act . Many thanks to the staff in DPIP, DCBE, BCP front office and OGC who worked on this policy statement. For brevity, I won't repeat all the names, but we do appreciate all of your hard work. Thanks to the commenters who raised many

important issues about COPPA, franchising, and this state of the Federal Trade Commission. I share Miss Harrington's concerns and hope that leadership takes those concerns to heart. During my 10 years of commissioner, I have advocated for federal privacy legislation and stronger privacy protections. And children's privacy has been a keen area of focus for me. The pandemic only served to deepen my concerns as our society moved so many of its interactions online. COVID-19 and other events in 2020 laid bare many privacy and civil liberties issues, including those concerning ed tech.

Christine Wilson:

Yes, ed tech facilitated continued learning as children were forced out of brick and mortar classrooms and into virtual ones, and I am grateful for that. But ed tech has also enjoyed an ever-growing window into our children's actions, their capabilities and their personalities. Without appropriate guardrails, those insights can be misused. The commission enforces COPPA, which empowers the FTC to engage in rulemaking. We've worked to maintain the relevance of COPPA in the face of evolving technologies and emerging issues. Our seasoned staff have created and maintained extensive business guidance and consumer education resources on issues within the COPPA purview, including ed tech. In July 2019, we announced a rule-making process to update the COPPA rule with respect to three topics, including ed tech. In October 2019, we hosted a public workshop to explore several topics related to children's privacy. Ed tech was a significant focus and I found the workshop quite informative.

Christine Wilson:

Those proceedings are available on the FTC website and if you're interested in COPPA and children's privacy, I commend those materials to you. Today, we propose to issue a commission policy statement that encapsulates the guidance on ed tech that staff have already made public. Make no mistake, I am thankful that commission staff have worked to educate both businesses and parents about obligations and rights under COPPA. I am pleased that we launched a rule making process to update the COPPA rule itself. But this is the fourth time the commission under Chair Khan has chosen to make policy announcements, addressing issues under consideration and ongoing rule makings. For each prior recommendation, I voted no. The website of the FTC explains that we issue policy statements that explain how the agency applies competition and consumer protection laws in a range of areas. Our goal is to promote transparency and encourage companies and people to comply with the laws we enforce.

Christine Wilson:

I support those goals, but commission policy statements, unlike commission rules are not independently enforceable. In any action, based on principles asserted in a policy statement, the commission still must prove that the conduct violates the FTC Act or commission rules covered by the statement. It is appropriate to issue policy statements in areas where the application of the law may be unclear, but I do not believe it is appropriate to issue a policy statement during the pendency of an ongoing rule making, seeking public comment on the precise issues discussed in the statement. The commission committed this due process foul with its policy announcements on data breaches for health apps, negative option marketing, and pre-merger notification filings. In each instance, they short circuited the democratic process and undermined the value of public input. Today, I vote yes on this policy statement. Why? Because the guidance in this statement neither expands the universe of entities covered by the COPPA rule, nor the circumstances under which the commission will initiate enforcement.

Christine Wilson:

Instead, it converts existing staff guidance into a commission policy statement. If bestowing the informator of the commission on this already existing guidance causes some companies to review their policies and heighten children's privacy protections, I welcome that outcome. I'm concerned though that issuing policy statements gives the illusion of taking action, especially when those policy statements break no new ground. Rather than moving on quickly after the flurry of press coverage that we'll discuss the commission's new policies on ed tech and children's privacy, I hope we turn to the important task of completing the COPPA rule review. I encourage Chair Khan and the leadership of the Bureau of Consumer Protection to prioritize our work on this rule and to devote the necessary resources to completing it swiftly.

Christine Wilson:

I am confident that our experienced and hardworking staff would be happy to do this work. So I look forward to staff's recommendations on next steps, and I also look forward to working with our newest colleague, Commissioner Bedoya, to expand privacy protections for all consumers, but especially for children. The depth and breadth of his expertise on privacy issues will add great value to the commission's work in this area. Welcome to the FTC, Commissioner Bedoya. I look forward to working with you.

Lina Khan:

Thank you. And next, we'll go to Commissioner Bedoya.

Alvaro Bedoya:

Thank you, Madam Chair. I couldn't be more excited to be here with all of you. I'm deeply grateful for the support I received from each of you, from Madam Chair, from you, Chair Khan, Commissioner Phillips, Commissioner Slaughter, Commissioner Wilson. I feel lucky to call you my colleagues and I feel lucky to work alongside the civil servants at the Federal Trade Commission. For me, the words FTC staff are synonyms for excellence and integrity. I was also grateful for the remarks of the speakers at the opening of this session. I was particularly interested in the remarks around franchising, which is an area that I'm eager to learn more about. I am pleased to vote for this policy statement on kids' privacy, and I'm really happy that this is one of the first votes I cast as commissioner. For me, this statement reinforces the original intent of the legislators who passed COPPA.

Alvaro Bedoya:

Those Democrats and Republicans wrote the law, as you mentioned, Chair, to go beyond notice and consent. They also included protections to minimize tracking and protect data. Those protections are important now, today. The move to online learning was hard for everyone, but it meant different things for different families, including on privacy. In line with the remarks from Ms. Gagan from Epic, when kids from working class families get online, they often have different experiences than kids from wealthier backgrounds. For example, they're more likely to use operating systems that allow more tracking. They're more likely to use free apps, which track much more data than paid apps, and for a variety of reasons, they end up giving up much more sensitive information about themselves. This often includes precise geolocation, where those children are exactly. Kids have a right to learn in privacy, and they have that right whether their parents are office workers or maintenance workers. I think that this policy statement is a step towards better protecting that right.

Alvaro Bedoya:

Relatedly, as the Chair's wisely urged us to focus on systemic responses to problems, and I'd like to think that this is part of a systemic effort to use the tools we already have in our toolbox that go beyond notice and consent. From the very beginning of the modern era on policy making on American privacy some 50 years ago, legislators and policy makers went beyond notice and consent to promote what the Chair has called substantive limits that protect privacy. And you can look at The Fair Credit Reporting Act, the 1973 so-called HEW report or The Privacy Act as powerful examples in that regard. One last thought before I yield my time back to the Chair, I want to push back on the idea that sometimes comes up, that we need all this tracking to protect kids, pardon me, to make better apps for kids.

Alvaro Bedoya:

It's completely true. Thumb tracking is needed and is good, but just as people innovate on tracking, people innovate on privacy. A key innovation in this area is the ability to track people using hashed identifiers that cannot be used to track kids and teens across their activity across platforms. Frankly, this is nowadays basic technology that can be found, say on the PBS KIDS app, which my own toddlers use to watch Daniel Tiger. In closing, before I close, I want to thank everyone who was a part of this policy statement, in particular, Jim Trilling, Peter McGee, Mark Icon, Kristen Cohen, Leslie Fair, June Chang, Jennifer Leach, Richard Gold, Josephine Liu, and I'm also very grateful for Commissioner Wilson for our conversations on this topic. I'm looking forward to working with and learning from her, from you on COPPA and closely related matters. For me, protecting kids and teens when they get online is a personal and profound priority. With that, I'll yield back to you, Madam Chair. Thank you.

Lina Khan:

Thanks so much, everyone for the very thoughtful statements. The motion being seconded, I'm calling for a vote starting with Commissioner Bedoya.

Alvaro Bedoya:

Aye.

Lina Khan:

Commissioner Wilson?

Christine Wilson:

Vote yes.

Lina Khan:

Commissioner Slaughter?

Rebecca Kelly Slaughter:

Yes.

Lina Khan:

Commissioner Phillips?

Noah Joshua Phillips:

Yes.

Lina Khan:

And I vote, yes. The motion passes unanimously, which is really terrific, and I look forward to the commission following on this policy statement with continued prioritization of this area. So we'll turn now to the second item on the agenda. The second topic is the endorsement guides. Today, the commission will be voting on releasing proposed revised guides concerning use of endorsements and testimonials and advertising and publishing a notice seeking comment on them. These guides in short tell companies how to use endorsements, testimonials, influencers, and consumer reviews in ads without deceiving consumers. In February 2020 in connection with the routine review of these guides, the commission sought comment on their overall costs and benefits as well as their regulatory and economic impact. We also asked specific questions regarding the material connection section. After reviewing more than a hundred comments, The Bureau of Consumer Protections Division of Advertising Practices suggests that the guides would benefit from certain upgrades and revisions, many of which were proposed by commenters.

Lina Khan:

Once we receive feedback from the public and other interested parties and make any modifications, we plan to issue final revised guides. I want to commend FTC staff for their outstanding work on this effort, specifically Amber Lee, Michael Alzheimer, Michael Adelson, Rich Cleland, and Serena Viswanathan. In the Division of Ad Practices, Joanne Way, Patty Sue. In The Bureau of Consumer Protection, Rosario Mendez and June Chang. In The Division of Consumer and Business Education, Shiva Koohi in The Bureau of Economics, Ann-Marie Choi and Josephine Liu in the Office of General Counsel. I'll now turn it over to Amber Lee to present an overview of the proposed amendments. Amber, thanks so much for joining us.

Amber Lee:

Thank you, Chair Khan and Commissioners Phillips, Slaughter, Wilson, and Bedoya for considering our recommendation to publish the opposed amendment endorsement guides for public comment. I appreciate the opportunity to appear before you today to provide an overview of the proposed changes. Next slide, please. The FTC endorsement guides, first issued in 1980 and last amended in 2009, our official commission interpretations of how the FTC Act applies to endorsements and testimonials and advertising. The guide set forth the basic truth in advertising principle that endorsement should be honest and not misleading, and it provides examples that illustrate the application of this basic principle in various contexts. In February 2020, we requested public input on whether changes should be made to the endorsement guides and received over a 100 comments from individuals, academics, consumer groups, companies, and trade associations. Today, we recommend the commission published to proposed amended endorsement guides for public comment. The proposed changes reflect the new ways advertisers use technology, including social media and product reviews to reach consumers.

Amber Lee:

First, we proposed some changes to the definitions in the endorsement guides. We propose expanding the definition of the term endorser to include those who appear to be an individual, group, or institution. This change would bring the emerging trend of virtual influencers, which for those who may not know, are computer-generated advertiser characters and not real people within the scope of the guides. This change would also reach those who fabricate reviews or endorsements. Our proposed definition of endorser would also clarify that marketing or promotional messaging like tagging a brand on social media can be considered an endorsement as well. We also propose adding a definition for the

term clear and conspicuous and would define clear and conspicuous disclosures to mean a disclosure that is difficult to miss and easily understood by ordinary people. This definition provides specific guidance relating to visual and audible disclosures, and would note that when endorsements target specific audiences like older adults, the effectiveness of the disclosure will be evaluated through the lens of members of that group.

Amber Lee:

The next proposed change I'll talk about today is adding a new section to the endorsement guide specifically concerning consumer reviews. This new section would state that when procuring, suppressing, boosting, organizing, or editing consumer reviews, companies should not distort or misrepresent what their customers think about their products or services. This section would also include examples illustrating how certain review-related practices can be misleading or unfair. The examples address things like deleting or not publishing negative reviews, buying fake reviews, threatening customers that leave negative reviews, and review gating; the practice of sending happy and unhappy customers down different paths to encourage positive reviews while also avoiding negative reviews.

Amber Lee:

We also propose adding additional guidance about material connections between advertisers and endorsers and how those connections should be disclosed. This section would contain examples of the types of relationships that could be considered material connections, from business family or personal relationships between endorsers and advertisers to providing payment or free discounted products or services, or even early access to those products to endorsers, or even the chance to appear on TV or win a prize. If there is an unexpected material connection between an endorser and an advertiser, this connection must be clearly inconspicuously disclosed. The disclosure does not have to provide the complete details of the connection between the two, but it must clearly communicate the nature of the connection to help people evaluate its significance. So for example, disclosing a connection by thanking a brand for a free product may not be enough if the endorser also receive thousands of dollars.

Amber Lee:

We would also modernize the examples and the guides to include examples concerning influencer advertising and incentivize reviews, which is where people receive something in exchange for leaving a review. In recognition of the fact that children may react differently than adults to endorsements in advertising... Can you go back to the previous slide? Thank you. We propose adding a section to the endorsement guides that address advertising directed to children. This section would recognize that endorsements directed to children may be a special concern due to the character of the audience. And it may be the case that practices that would not be questioned when advertising is directed towards adults may be questioned when directed towards children. Also, to gather more information on children's capacity to understand online advertising and the need for an efficacy of disclosures, the agency will hold a virtual event in October, 19, 2022. Next slide.

Amber Lee:

Lastly, I want to discuss liability concerning advertisers, endorsers, intermediaries, and platforms. The proposed guides would add language to clarify and provide examples of when advertisers, endorsers, or intermediaries like ad agencies may violate the FTC Act through misleading endorsements. Endorsers may be liable under the FTC Act for a statement that they knew or should have known would be

deceptive. So for example, an endorser may be liable if they make a statement about how a product performs that is not consistent with their own personal experience using that product. Or an endorser could be liable for failing to disclose a material connection, especially when the endorser created or disseminated the endorsement like a social media post.

Amber Lee:

Intermediaries, like an advertising agency or a public relations firm may also be liable for their own parts in disseminating endorsements that they knew or should have known would be deceptive. Apart from the guides, a proposed federal registered notice states that the commission supports the development of effective built-in disclosure tools by social media platforms for endorsers to use to disclose their material connections to brands clearly and conspicuously. However, the notice also addresses how some of the existing disclosure tools may be inadequate. Inadequate disclosure tools may expose endorsers to liability, if endorsers are relying solely on these tools to provide clear and conspicuous disclosures,

Amber Lee:

... and the platforms may be exposing themselves to liability depending on the types of representations they make about these tools. The notice would encourage social media platforms to carefully evaluate the current tools to ensure their disclosing information clearly and continuously.

Amber Lee:

In closing, we believe the endorsement guides continue to serve an important function by providing guidance on how to be truthful and not misleading when using endorsements and advertising. We also believe the guides would benefit from certain updates to reflect the changes technology has made and how companies reach their audiences. With that, we recommend the commission published to proposed amended guides for public comment.

Amber Lee:

I also want to take a brief moment to thank all of those who worked on the endorsement guides, especially Michael Alzheimer, Michael Atlason in the Division of Advertising Practices, their supervisors, Rich Cledon and Serena Visinathan, Sheva Cuy in the Bureau of Economics, Marie Choy and Josephine Lou in the Office of General Counsel, Patty Chu and John Nguyen in the Bureau of Consumer Protection, and the acting deputy director, Rebecca Unrew, and director Sam Levine. I would also like to thank Rosario Mendez and Jen Chang from the Division of Consumer and Business Education for their assistance and preparation for this presentation.

Amber Lee:

Thank you again, chair Conn, and commissioners Phillips, Slaughter, Wilson, and Bedoya for the opportunity to present today.

Lina Khan:

Thanks so much, Amber, for the great presentation. I'm really grateful for this recommendation from the staff. I think this is an important document and I'm hopeful that we'll be able to move forward here. I want to just briefly note three novel aspects of these revised guides that strike me as especially important.

Lina Khan:

First is the revised guides guidance on platforms, relationship with influencer marketing. We've seen that digital platforms profit from influencer marketing and should bear greater responsibility in this area, and I'm glad that the revised guides warned that some platforms, disclosure tools are currently inadequate and may expose influencers to liability, or in some instances, expose platforms themselves to liability.

Lina Khan:

Second is the revised guide's explicit guidance on consumer reviews, and specifically the discussion of fake reviews and suppressed negative reviews. This guidance reflects recent enforcement actions that the FTC has taken, including a recent final order around allegations that Fashion Nova blocked negative reviews of its products from being posted on its website. And so I'm glad that this principle will be out there more broadly.

Lina Khan:

Last is the revised guide's warning that child-directed influencer advertising is of special concern to the commission, and that those who market to children cannot assume that compliance with these guides will be a safe harbor. We've seen that the kid influencer marketplace has been growing rapidly and is now estimated to be as large as $1.7 billion. We've also heard that this type of child-directed influencer advertising can pose a host of risks. As one recent report noted, unless children are able to differentiate between advertising and other forms of entertainment and grasp the persuasive intent of advertising, that they are at risk of deception. This is especially true for children under 12, whose advertising literacy has not yet fully developed.

Lina Khan:

There's currently no clear or consistent approach to addressing the problem, and Congress and advocacy groups have called on the FTC to provide more guidance on this issue. We currently lack the full evidentiary record to support specific guidance or propose best practices at this time, but I'm eager for more input that will hopefully support more concrete action in this area. And I'm glad, as Amber noted, there will be following up in this area with an event in the fall on stealth advertising targeting children. I'm hopeful that we'll have robust participation and we'll look forward to learning from the public as we consider how to move forward.

Lina Khan:

With that, I will make the following motion. I move that the commission approve and publish in the federal register the request for public comment on amendments to the endorsement guides, the secretary circulated under matter number P204500 on May 16th, 2022. Is there a second?

Alvaro Bedoya:

Second.

Lina Khan:

I'll now turn to my fellow commissioners to share any remarks before moving it for a vote. Commissioner Phillips.

Noah Phillips:

Thank you, Madame Chair, and thank you, Amber Lee for that presentation. I also want to acknowledge the hard work of Michael Alzheimer and Michael Atlason and the time that they and their managers and practices, Serena and Rich, spent working through the proposals with me. They were very thoughtful in answering my questions, considering my feedback and that sort of thing. I also want to thank Patty Sue, Joni Way, Rosario Mendez, Jun Chang, Marie Choy, Josephine Lou, and of course Sheva Cuy from the Bureau of Economics, all of whom put really important work into this document, and I'm looking forward to the public.

Noah Phillips:

Amber did a great job highlighting some of the proposed changes, and I don't want to rehash all of what she and the chair said. I really do appreciate the process here, and I wanted to talk for a moment about that because I think it reflects the agency at its best. Offices were given given adequate time to review this proposal, staff diligently solicited comments and adjusted the document accordingly, and now we as an agency are seeking comment from the public on the finalized guidance. And I'm confident that all stakeholders will take a close look of the document and will help us continue to refine it. It applies to a lot of commerce, and so hearing from all sorts of folks about it is really critical.

Noah Phillips:

And I think that consumers and businesses alike will continue to benefit from rules of the road that apply to the testimonials and the endorsements that all of us see every day in advertising and marketing. So thank you, Madame Chair for putting this on the docket. I really appreciate that as well. Thanks to the staff and my fellow commissioners for all of their work.

Lina Khan:

Thanks, Commissioner Phillips. Commissioner Slaughter.

Rebecca Slaughter:

Thank you, Madame Chair, and thanks Amber for that great presentation on the revised endorsement guide. I really appreciate all the hard work that's gone into updating the guides and getting them ready for publication and public comment and I want to echo the Chair and Commissioner Phillips in thanking all the staff from BCP and OGC, NVE throughout for their hard work on this project.

Rebecca Slaughter:

As industry practices continue to evolve, it's imperative that the FTC keep businesses, endorsers, and the public aware of how our section V authority fits here and how and what our enforcement priorities in this changing environment. These updates are necessary, but guides loans aren't enough. False and deceptive ad endorsements are major problem for consumers and honest competitors. So I see these guides, the actions we've taken over the past two years, and steps I hope we continue to take going forward as part of a process to ensure there's real accountability for law violators that take advantage of people's trust and lie about their products and services.

Rebecca Slaughter:

And I'll just pause to note that when folks asked me about my priorities at the commission, one of the things I say all the time is that I think it's really important that we be bringing cases that reflect how the markets are operating today and tomorrow into the future rather than how they've operated in the past. And the advertising market is a perfect example of that. The advertising market has continued to

change significantly since we last published these guides in 2009. I'm happy to see that we're far past thinking about old Madison Avenue techniques.

Rebecca Slaughter:

These guides address how people advertise today. Influencer marketing for example, is lucrative and effective. The influencer economy grows by billions of dollars a year. Online reviews and influencer endorsements are ubiquitous on the internet and they present real and new challenges. Unlike yesterday's celebrity endorsers, influencers are often seen as experts in their market, whether that's for fashion, health products, or cutting-edge consumer technology. Influencers constantly interact with their followers in their market or social niche. These are often relationships of trust, and without clear guidelines and responsibilities, they're ripe for commercial exploitation and deception.

Rebecca Slaughter:

The new guides make it clear that we intend to investigate breaches of that trust, whether it's by brands manipulating reviews, influencers not disclosing material relationships with companies, or by microtargeting aimed at deceiving specific groups as consumers.

Rebecca Slaughter:

And I'll just add, I am particularly concerned about brands that maybe use unsophisticated influencers and then try to pawn liability off on those influencers for failure to disclose. Brands have a real responsibility to make sure their influencers disclose that relationship. And I think that needs to be an important focus for the commission as well.

Rebecca Slaughter:

And there's still more to do. Online commerce devolves into a game of roulette if we can't press reviews or make informed decisions about which endorsements to believe. In 2019, I joined with former Commissioner Chopra to press for stronger penalties in these kinds of cases. As we said back then, fake reviews distorted our markets by rewarding bad actors and harming honest companies. To realign the markets and help make sure reviews and endorsements are honest, we have to be able to seek civil penalties for deception in this area, especially as we continue to deal with the loss of our 13B authority after the devastating Supreme Court decision in AMG last year.

Rebecca Slaughter:

We began the work of bringing some much needed deterrence and clarity to this market with last year's notice of penalty offenses regarding fake and deceptive endorsement. I'm glad to hear we'll hold a public event later this year on children's capacity to understand and distinguish advertising, because that does present really specific and unique concerns. But as a general matter, I believe guides aren't as clear or effective as rules in generating deterrents. And so instead of just asking honest businesses to parse hypotheticals, I like to see them follow clear guardrails so the FTC staff can do what they do so well and what Congress intended us to do, carry out our statutory objective to investigate and challenge illegal conduct.

Rebecca Slaughter:

So finally, I really want to thank the chair for putting this item on the agenda and all of her work to advance the commission's efforts in this area. I think we are making real progress and I hope to see us continue to build on that exactly as she reflected and continue to learn more. And once again, thank all

the staff who worked on the guides, Amber, Michael, Michael Rich, Serena, Patty, Joanie, Rosario, Jun, Sheva, Marie and Josephine Lou. Thank you guys so much.

Lina Khan:

Thanks so much. Commissioner Slaughter. Commissioner Wilson.

Christine Wilson:

Thank you, Chair Conn, for giving staff the opportunity to present their excellent work on the proposed federal register notice seeking comment on revisions to the endorsement guides. Many thanks to Amber from the Division of Advertising Practices and the Bureau of Consumer Protection for her informative presentation, and thanks also to the broader array of staff who worked on the proposed notice in the division of advertising practices, the BCP director's office, division of consumer and business education, the bureau of economics and the office of general counsel.

Christine Wilson:

The endorsement guides at their core reflect basic truth in advertising principles. Endorsements must be truthful and not misleading. An endorsement must reflect the honest opinion of the endorser and can't be used to make a claim that the product marketer could not itself legally make. As my colleagues have discussed and as Amber highlighted, testimonials and endorsements are as staple in modern advertising. Commission guidance explaining the circumstances under which we would view an endorsement as deceptive makes transparent our enforcement intentions, which facilitates compliance.

Christine Wilson:

I can attest from my years in private practice that the FTC's business guidance, including on endorsements, was a well used resource, both for me and for my colleagues when advising clients. Updating our guidance to reflect new media and advertising trends is essential. I commend the staff on this proposed notice and I look forward to the comments from stakeholders on the proposals, and I echo Commissioner Phillip's praise for the process employed in preparing this federal register notice. It was a thoughtful process that reflected the expertise and knowledge of our staff and that benefited from a robust dialogue between the commission and staff and among commissioners. Thank you, Chair Conn for this constructive approach.

Lina Khan:

Thanks Commissioner Wilson. Commissioner Bedoya

Alvaro Bedoya:

Thank you, Madame Chair, for your remarks and for putting this on the docket, I don't have a lot to add to Amber's excellent presentation or my colleagues' comments. I'm pleased to vote in favor of this call for comments and I'm really looking forward to reading the stakeholder comments. I'll just flag that I'm particularly interested in the FTC's follow on work and comments on young children's unique vulnerability to advertising, the failure to distinguish between advertising and other content in particular.

Alvaro Bedoya:

Rather than listing through each of the FTC staff members who worked on this and did terrific work, I just want to say I'm looking forward to meeting with each of you virtually or in person, whatever we can do as soon as possible. And soon we'll be fully staffed up and my incoming chief of staff will be reaching out to all the different division heads to set up meetings so I can meet each of you and find out more about your work. And that's it for me. Thank you very much. I'll yield back to you, Madame Chair.

Lina Khan:

Thanks so much, Commissioner Bedoya.

Lina Khan:

So motion having been seconded, we will now go to the vote. Commissioner Bedoya.

Alvaro Bedoya:

Yes.

Lina Khan:

Commissioner Wilson

Christine Wilson:

Vote yes.

Lina Khan:

Commissioner Slaughter.

Rebecca Slaughter:

Yes.

Lina Khan:

Commissioner Phillips.

Noah Phillips:

Yes.

Lina Khan:

And I vote yes. The motion passes unanimously, which is terrific. And as Amber mentioned, there will be the follow on event on October 19th. And we are currently seeking research and recommendations for discussion topics and comments. So stay tuned for more information on that, but we'll be very keen for input on that.

Lina Khan:

So with that, this concludes today's meeting. Thanks so much to my fellow commissioners, to Amber and to the public members who participated right at the top. We, as always, really appreciate your input. Thanks everybody and hope you all have a good rest of your afternoon.