

## **Questions for the Record from Senator Orrin G. Hatch**

### **Questions for Chairwoman Ramirez**

- 1. Does the FTC believe that there is a need for a new and separate data security and breach notification regime enforced by the FCC?**

The FTC has long supported federal legislation that will address data security and breach notification that would apply to all companies, including telecommunications carriers. For many years, the FTC has protected consumers' data security under the FTC Act. But the FTC Act excepts common carrier activity from FTC enforcement, an exception that we have recommended Congress repeal. Doing so would allow the FTC to protect consumers against unfair and deceptive practices committed in the provision of common carrier service, which involves access to large amounts of consumer data and which competes with other services that are subject to the FTC's enforcement authority. However, because legislation has not been enacted in these areas, the FTC currently lacks jurisdiction over common carriers when they are engaged in common carrier activity, and cannot take action when such entities fail to maintain reasonable security during those activities. As a result, I believe that consumers would benefit from data security and data breach rules in this area. Common carriers collect a wide variety of personal information from consumers, including contact and billing information, and web browsing habits. They should reasonably secure this information so that it does not fall into the hands of identity thieves or other wrongdoers. And if a breach occurs, they should notify consumers so that consumers can take steps to mitigate harm.

### **Question for Commissioner Ohlhausen**

- 1. Does the FTC believe that there is a need for a new and separate data security and breach notification regime enforced by the FCC?**

I agree with the response of Chairwoman Ramirez.