Data privacy, robocalls top consumer protection issues for FTC Chair Joseph Simons

Data privacy legislation and stronger laws to combat robocalls are two top consumer protection priorities of new Federal Trade Commission Chairman Joseph Simons, who discussed antitrust enforcement issues during a wide-ranging discussion at the ABA Antitrust Fall Forum.

Simons, appointed by President Donald Trump and sworn in on May 1, pointed to the European Union’s General Data Protection Regulation (GDPR) and the new California Consumer Privacy Act of 2018 (CCPA) as the type of legislation needed to deal with the privacy issues in this country. The GDPR, which became law in May, regulates how companies protect EU citizens' personal data. The CCPA, which goes into effect in January 2020, makes it easier for consumers to sue companies after a data breach.

Both laws have changed the landscape on privacy, Simons said at the Nov. 15 forum at the National Press Club in Washington, D.C.

"The interest on Capitol Hill on this privacy issue and on privacy legislation is now pretty high," he said. "And we encourage Congress to consider this type of legislation.... In my own view, this type of legislation requires value judgments that are best made by the Congress. However, we believe that any legislation that is passed should be enforced by the FTC, and we are committed to vigorously enforcing whatever they pass."

Robocalls, Simons said, are the top consumer complaint. He said the FTC received more than 7 million complaints about Do Not Call Registry violators and that two-thirds of those were about robocalls.

"We aggressively pursue robocalls and ‘do not call’ violations," said Simons,
adding that the FTC coordinates enforcement with the Federal Communications Commission and the states. He said. The FTC has brought 139 cases against robo callers and violators of the National Do Not Call Registry. “But, unfortunately, the technology has overtaken our rules. It is now so cheap and so easy to make robocalls from overseas, and it is hard to find the perpetrators.”

He said he believes that Congress could help by repealing the common carrier exemption, which exempts telecom carriers like AT&T from FTC enforcement. “We think the abolition of the common carrier exemption might be a big help to us by allowing us to go after common carries that enable robo callers to get access to our nation’s telephone network,” Simons said. “Legislation has been introduced to do that.”

The Antitrust Fall Forum also featured keynote addresses from two top enforcement officials from the Department of Justice, including Jesse Panuccio, principal deputy associate attorney general; and Makan Delrahim, assistant attorney general in the Antitrust Division.