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[espc-leg] A Glimpse of the FTC Under Trump: Communications Daily

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Privacy, Data Security Should Remain Focus at FTC Under Trump, Says Commissioner

When the five-member FTC gets a Republican majority under the incoming Trump administration, Commissioner Maureen Ohlhausen, the commission's lone Republican now, said certain priorities like bipartisan support and coordination on privacy and data security issues will continue. It will come with "regulatory humility," she said Wednesday during a CTA event.

"And, for me, what that really means is that we should continue to focus on where there's going to be likely harm to consumers, real harm," Ohlhausen responded to a question from CTA President Gary Shapiro, who asked how things will change at the FTC with a new Republican majority. "I hope that as our enforcement continues that we would continue to focus on those kinds of areas." After the event, Ohlhausen wouldn't comment when we asked whether she has had any contact or discussed any priorities with the Trump transition team.

Reps. Suzan DelBene, D-Wash., and Darrell Issa, R-Calif., who co-chair the Congressional Caucus on the Internet of Things launched last year (see 1501130038), spoke about IoT benefits during the event and the need to educate lawmakers. "What it can be is so much more than it is," said Issa referring to the constantly changing IoT technology. He added that the new Trump administration will have to be educated about the technology because it currently doesn't have IoT as one of its goals. Issa and DelBene said education on big data, copyright, bringing in high-skilled immigrants, interoperability, intellectual property, liability reform, privacy, smart cities, spectrum and other issues will be major priorities for them.

When asked by Shapiro about what Congress should work on next year, Ohlhausen said lawmakers should eliminate the FTC's common-carrier exemption, as she said earlier this week (see 1611150032) and which all current trade commissioners have sought (see 1605240042). She said the exemption no longer makes sense since many companies are operating in the same space but are subject to very different privacy regulations. "That creates competitive problems," said the FTC member. "That creates consumer confusion."

Congress also should consider a uniform and national data breach notification law, which commissioners called for during a Senate Commerce Committee oversight hearing in September (see 1609270033 and 1609280050), said Ohlhausen. While no company can protect against all threats, she said companies should have a process in place to consider what data they have, how they protect it and who has access to it. She said that process should be scalable for smaller companies.

The event featured a new CTA white paper that offers a national guide for IoT growth and innovation. The Trump administration should promote the technology, said Shapiro in a news release. "Among our most significant policy recommendations for the next Administration is that the default standard setting and regulatory process should not lie with a single body of the American bureaucracy." The paper recommends that industry, which can address problems faster than the regulatory process, be relied on to help address security and privacy concerns. It said the Trump administration should create a cross-agency working group to improve federal coordination of IoT resources and policies that encourage the technology's growth. The document said government should make more spectrum available to accommodate IoT usage and encourage future innovations. Tuesday, the Department of Homeland Security issued IoT security principles (see

1611160019).

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