

October 21, 2022

To:

Lina M. Khan

Chairwoman,

Federal Trade Commission

600 Pennsylvania Avenue NW, Washington, D.C. 20580

Re: Proposed Amendments Regarding the Trade Regulation Rule on Commercial Surveillance and Data Security, 87 FR 51273, File Number 2022 17752

Dear Ms. Khan,

In February of 2022, Kara Frederick, the director of the Tech Policy Center at The Heritage Foundation, analyzed the effects of the technology industry on the American economy, political landscape, and civic life. In her paper, Ms. Frederick analyzes several topics about which the Commission asked questions in this advance notice of proposed rulemaking. We submit this letter with Ms. Frederick's paper, *Combatting Big Tech's Totalitarianism: A Road Map*.¹ This letter serves as an outline of the sections of Ms. Frederick's paper of relevance to this public comment period.

Targeting of and Effects on Children

The Heritage Foundation Report describes a "race to the bottom" through privacy violations and the deliberate targeting of young children by multiple internet platforms like Facebook and Tik Tok. Despite fines from the FTC and published research detailing harmful effects of digital surveillance on children, technology companies persist in building platforms specifically for children. Some executives even hail this targeted focus on children as "the right thing to do",² even as researchers directly link social media use to suicidal ideation.³

Surveillance and Invasion of Privacy

In this section, Ms. Frederick highlights the coming "sea change" in digital surveillance with the application of automated decision making to platforms built for hunting terrorists. This technology already allows technology platforms to process and monitor content on a citizen's phone without directly scanning personal devices. Even in 2018 alone, Facebook used machine learning algorithms to cue law enforcement action over 1,000 times against citizens.⁴

¹ Kara Frederick. February 7, 2022. "Combatting Big Tech's Totalitarianism: A Road Map". The Heritage Foundation. [Combating Big Tech's Totalitarianism: A Road Map | The Heritage Foundation](#)

² Adam Mosseri, "Pausing 'Instagram Kids' and Building Parental Supervision Tools," Instagram Blog, September 27, 2021, <https://about.instagram.com/blog/announcements/pausing-instagram-kids> (accessed February 4, 2022)

³ Georgia Wells, Jeff Horwitz, and Deepa Seetharaman, "Facebook Knows Instagram Is Toxic for Teen Girls, Company Documents Show," The Wall Street Journal, September 14, 2021

⁴ Facebook Safety, "Getting Our Community Help in Real Time," November 26, 2017, <https://www.facebook.com/fbsafety/videos/1497015877002912/> (accessed February 5, 2022)

Recommendations for Reform

The paper's recommendations offer the Commission responsible policy actions to address data privacy and an unchecked surveillance state. Ms. Frederick explicitly calls for algorithmic transparency requirements, truth-in-data-use requirements, and plain language requirements. She frames these policies as initial steps to protect citizens data while also preserving free market competition.

Importantly, Ms. Frederick calls for a federal data protection framework to establish standards and oversight like opt-in for data sharing requirements, and private rights of action to give citizens reasonable protection against data abuse. She also outlines the responsibility of the Commission to ensure “an expectation of accountability, transparency, and fair treatment”, and for companies to provide clear terms of service agreements and user notifications to build more trust in a data-driven economy.

CONCLUSION

Combatting Big Tech's Totalitarianism, like this Advanced Notice of Proposed Rulemaking, serves as a clarion call for the importance of data privacy to our Republic. Through billions of devices in the world, humans have generated more data in the last two years than the rest of human history combined.⁵ It is due time for the Commission to reconsider the vast reaches of commercial exploitation to rightly protect children, consumer privacy, and market competition. The rise of automated systems built to make decisions with data creates a real urgency for action. We submit this letter, and The Heritage Foundation Report, to aid the Commission in meeting this urgent task.

Respectfully Submitted,⁶

/s/ Will Thibeau

Will Thibeau

Policy Analyst, Tech Policy Center at
The Heritage Foundation

/s/ Jake Denton

Jake Denton

Research Associate, Tech Policy Center
at The Heritage Foundation

⁵ Vishal Kumar. 2022. “Big Data Facts” Analytics Week. [Big Data Facts – AnalyticsWeek](#)

⁶ We file this comment as individuals; affiliation is provided for identification purposes only