

Opening Statement
Ranking Member Sherrod Brown
Data Ownership: Exploring Implications for Data Privacy Rights and Data Valuation
October 24, 2019

Thank you to the Chairman for calling this hearing.

This Committee has spent some time over the last several months discussing Facebook's poorly thought out plan to create a global currency. And the bottom line is that we know that Facebook can't be trusted with Americans' personal information and it is terrible at protecting its users' privacy. It was pretty clear the last thing we should do is trust them with American's hard earned dollars.

But it isn't just Facebook. Every time corporations in Silicon_Valley come up with a new business model, the result is the same – they get more access to our personal data, spending habits, location, the websites we visit, and it means more money in their pockets. And everyone else gets hurt.

So I want to begin this hearing with a simple question – who has the right to control your personal, private information: you or Silicon Valley CEOs like Mark Zuckerberg?

I think we all agree that Americans should have more control over their private information.

But should we treat that private information like property? Today's witnesses will discuss that idea.

At first glance this might seem like a simple way to tackle the complex problems created by data collection and machine learning.

The promise is that if we just treat personal data like property, markets will do the hard work of protecting our privacy for us.

But that's not how it will work.

Instead of making companies responsible for protecting their customers' privacy, this idea puts the burden on all of us.

Now imagine that if every time you wanted to use Facebook, or pay for something with an app, or login to a Wi-Fi network, you had to read even more legal fine print, and check a box saying, "okay, I waive my personal right to my data to use this service." Or you had to join some kind of so-called "data collective" to sell your data.

Working people in this country have enough to worry about – they're trying to get the kids out the door and get to work on time; to make rent and save for college and pay the bills.

The idea that people should also have to manage their data like a landlord manages its tenants is ludicrous.

This should be pretty simple – corporations should not be allowed to invade our privacy.

We know that today, they are.

Just think about all the personal data that's already floating around out there. Equifax exposed the personal information of more than 150 million Americans – Social Security numbers, birthdays, addresses. Capital One exposed the personal information of more than 100 million Americans.

How can you own your data, when it's already littered all over the internet?

Big tech companies don't want to protect your personal information – they want to profit off it. Protecting your privacy doesn't make them any money – it costs them money – so they aren't going to do it.

They want your data, and they want to get it for free, or pay as little as possible for it.

So it should be no surprise that I am skeptical when I hear of plans for Americans' data to be treated like property.

If Americans want more control over their private information, we have to find a way to prevent corporations from mining our data and selling it to each other. Creating a supermarket for selling away our privacy does the opposite.

Treating data as something that can be owned, bought, and sold doesn't solve any of these problems—especially when undermining our privacy is the business model.

Mark Zuckerberg and his Silicon Valley buddies want us to skip over the part where we have control over our privacy, and jump to the part where giant tech companies get to use their market power to squeeze our privacy out of us – and it would all be legal.

That's unacceptable.

I appreciate that Chairman Crapo has been working with me in a bipartisan way to create real privacy protections. Privacy isn't partisan, it's a basic right.

I look forward to continuing our work together, and to the witnesses' testimony.

Thank you.

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