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Perkins on Privacy

FTC Kicks Off Wide-Ranging Privacy Rulemaking

On August 11, 2022, the Federal Trade Commission (FTC) issued an advance notice of proposed rulemaking (ANPRM), kicking off its long-awaited rulemaking on commercial surveillance and data security.

The ANPRM is the first step in a long process that could result in the adoption of a federal regulation addressing privacy, data security, and use of algorithms across broad sectors of the economy. The rulemaking will be an unprecedented proceeding, and the FTC appears to be considering approaches that could have extraordinary ramifications for businesses, such as limits on personalized advertising, new privacy protections for teens and children that exceed those of the Children's Online Privacy Protection Act (COPPA), limits on techniques that promote prolonged online activity by teens and children, required data security measures, required steps to avoid algorithmic error, measures to combat algorithmic discrimination, and limits on the use of biometric data.

Once the ANPRM is published, the public will have 60 days to comment.

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