

**REMARKS OF
COMMISSIONER GEOFFREY STARKS
15TH ANNUAL ABA/FCBA PRIVACY AND DATA SECURITY SYMPOSIUM:
“DATA PRIVACY IN THE NEW DECADE: CONSUMER RIGHTS, PLATFORM
REGULATION, AND ENFORCEMENT MECHANISMS”**

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Thank you for inviting me to speak with you today. I was looking forward to seeing you all under very different circumstances this spring, and it is overwhelming to consider how much has changed since then. In this unusual year, it can feel like everything has changed. But in preparation to talk with you at this 15th annual symposium, I took a look back at some of the leading technology privacy law debates from 2005. It’s striking how current those discussions—about everything from GPS location tracking to ubiquitous cameras to spyware—still feel. Looking back should remind us that, while technology has evolved and deepened its foothold in our daily lives, the values driving privacy debates remain largely the same.

Staying grounded in those values has proven especially important this year, when our country faces unprecedented challenges on multiple fronts. The COVID-19 pandemic has brought into sharp relief a host of problems that are, at their core, about fairness—issues of racial justice, economic security, and the digital divide, among others. I believe that technology and communications networks have an important role to play in how we move forward together.

All around the nation, people are relying on connectivity more than ever, and they’re using their smartphones to document both injustice and inspiration. In 1963, television journalists recording the vicious beatings of peaceful protestors by police and racist mobs in Birmingham, Alabama galvanized public support for the civil rights movement. That public outcry propelled the first Civil Rights Act to passage one year later. Today, it is the rise of smartphones and nearly unlimited sharing of information online that has served as a powerful tool for building movements—from allowing our communities to share their narratives to amplifying mobilizing efforts.

For these and so many other reasons, we know the benefits of broadband are lifechanging. But they’re not available to everyone. According to an analysis of U.S. Census data, more than 77 million people in the United States lack a home broadband connection, meaning they either have no home internet service at all or rely solely on mobile wireless service. This is particularly the case for our most vulnerable Americans. More than half of low-income households lack a fixed broadband connection, including 30 percent of Black and Latinx people, and 34 percent of Native Americans. From this alarming baseline, the trends are moving in the wrong direction: home broadband adoption rates are slowing, with an increasing number of households accessing the internet only via their mobile devices. Once again, this is particularly concerning for vulnerable communities; low-income households are nearly four times more likely to be mobile-only than the wealthiest households.

I think we all know at some level how central these technologies are in our lives. But talking to folks who are getting online for the first time can help us not get complacent

about the lifechanging power of broadband. Since joining the FCC nearly two years ago, I have traveled around the country to see this problem up close and, during the last few months, done countless Zoom visits. Last August, as part of a visit to Tribal Lands in New Mexico, I visited the Pueblos of San Felipe and Santo Domingo, New Mexico. We heard from community leaders and members of the Middle Rio Grande Valley Tribal Consortium about their quest to bring future-proof fiber connectivity to libraries in communities where many don't have home broadband service. Cynthia Aguilar, a librarian with the Santo Domingo Pueblo Library, compared the impact of broadband connectivity to the arrival of the railroad to the Pueblo a century ago. The lengths these communities go to bring affordable service to their citizens inspire me to keep working toward solutions for internet inequality. Solving this problem is a moral imperative.

If you're asking yourself at this point what all this has to do with the privacy and data security issues that John and I will be discussing in a moment, I'm not surprised. So here's the answer: we won't fully bring the benefits to all Americans if we're advocating for bringing a connection into their homes that is insecure or unsafe. That means we cannot allow data security and privacy to become luxury goods available only to the elite.

On the security side, I've been vocal about the need to secure our communications networks. In particular, my *Find It, Fix It, Fund It* initiative brought national attention to the urgent need to support small and rural companies as they work to make their networks more secure by addressing the problem of equipment from untrustworthy vendors in our wireless networks. One of the reasons I've been so passionate about this is that these small carriers are often the tip of the spear in addressing rural access. They're working hard to connect communities that haven't been a priority for bigger companies.

We need a similar commitment to addressing privacy issues. As the next panel will no doubt discuss, we're asking a lot of consumers in terms of understanding pages and pages of disclosures and terms and conditions. So it's no wonder we're seeing wariness about adopting potentially useful things like contact tracing applications. We've seen relatively low adoption rates despite what I see as strong efforts by app developers to avoid collecting sensitive location data.

There are, to be sure, lots of reasons a consumer might not adopt these apps. Access is one: One in six Americans does not have a smartphone, and rates are particularly low among the senior population most vulnerable to COVID-19. But we've also seen mistrust about how the information the apps gather will be used. That skepticism is understandable. Location data is deeply personal and revealing. It is also ripe for misuse, as the FCC has emphasized with respect to the alleged carrier violations of our rules protecting Customer Proprietary Network Information that we acted on earlier this year. I am hopeful that aggressively pursuing those CPNI violations will help deter other bad actors.

The FCC also needs to do more to protect Americans who benefit from the Lifeline program, the only federal program specifically designed to connect low-income people to the modern communications networks many of us take for granted. I was outraged to learn that some Lifeline customers have received phones loaded with malware that allows outside parties

to install programs without the owners' knowledge or consent. The Commission needs to do a better job of ensuring that Lifeline recipients get the same level of privacy protections as other consumers.

With those ideas on the table, I'm looking forward to digging into these issues more in conversation with John. Again, thank you for hosting me today.