

**Oral Statement of Commissioner Christine S. Wilson, FTC**

As Prepared for Delivery

Before the  
U.S. Senate Committee on Commerce, Science and Transportation

August 5, 2020

the Health Insurance Portability and Accountability Act (HIPAA)<sup>1</sup> covers the privacy of sensitive health data collected by a doctor or pharmacist, but not by apps or wearables.

The need for federal privacy legislation is even more urgent now, given the spread of Covid-19, which is driving data usage in ways not previously contemplated by consumers. For tens of millions of Americans, work, school, entertainment, and social interactions have moved online. Businesses, researchers, and government entities have deployed consumer data to monitor compliance with quarantines and to implement contact tracing. And many view technology, including both contact tracing and widespread health monitoring, as key to safely easing quarantines and resuming normal life. But these tools are fueled by sensitive data regarding health, behavior, and location.





buy a higher quality, name-brand product—but most of us also can remember those early days when we were thankful for the availability of a no-frills, value-priced version.

Some conduct, like price fixing and market allocation, clearly drives up prices without any redeeming increase in quality or innovation. But most of the business practices and mergers that come before the antitrust agencies are more ambiguous in their effects. Enforcers determine whether a business practice is legal based not on its label, but rather by examining its empirical effects. For that reason, we need economic analysis to help us determine whether any harm to competition is outweighed by benefits to consumers. Fortunately, the FTC has a Bureau of Economics that provides the expertise and experience needed for such analysis, as well as for

## **Conclusion**

In closing, the FTC would welcome the opportunity to provide technical assistance to Congress on these issues. Thank you for your assistance in strengthening the FTC's ability to fulfill its mission.

I am happy to answer any questions you may have.