



Office of Commissioner
Andrew N. Ferguson

UNITED STATES OF AMERICA
Federal Trade Commission
WASHINGTON, D.C. 20580

Concurring Statement of Commissioner Andrew N. Ferguson

Surveillance Pricing Intermediaries
Matter Number P246202
July 1, 2024

All Americans generate tremendous amounts of personal data. This data often include information that reflects or from which can be gleaned some of our most intimate details—our identities, interests, locations, credit histories, medical conditions, sexual orientation, and more. These data are gathered, those data are packaged and sold.

Today, the Commission issues orders pursuant to Section 6(b) of the Commission Act

¹ to find the answers to those questions, at least in part. We have ordered companies to turn over documents and information on how consumers' private data are used to engage in personalized pricing, which the orders describe as "surveillance pricing." This practice involves the use of personal data to charge different consumers different prices for the same product. This practice is ancient and commonplace for many products and services. The price of insurance policies or of credit, for example, necessarily turn on a consumer's personal data because the price must reflect studying markets and industries and reporting to the public and Congress what we find.

have proven useful to state and federal policymakers in the past even when they did not reveal any
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