Today, the Federal Trade Commission (“Commission”) issued an advanced notice of public rulemaking on commercial surveillance, seeking public comment on whether new rules are needed to protect people’s privacy and information. The notice, which is broad and sweeping, seeks comment on dozens of questions, categorized into the following topics:

- Harms to Consumers
- Harms to Children
The Commission’s solicitation kicks off an extensive rulemaking process which will likely take 2 years, at a minimum, before any regulations would be promulgated and become effective. The notice, which passed with a 3-2 vote, is not an immediate shift in the digital privacy landscape but a significant first step toward it—particularly in light of Congress’s continued struggle to come to agreement on the American Data Privacy and Protection Act.

The Commission is hosting a public forum on the rulemaking, to be held virtually on Thursday, September 8, 2022 from 2 p.m. to 7:30 p.m. ET. Members of the public are invited to attend, or to submit a comment weighing in on the rulemaking, the general topics, or submit a specific question to the Commission.

SPB Partner Beth Goldstein also contributed to this update

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National Law Review, Volume XII, Number 223