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Welcome to The Not-So Private Parts where technology & privacy collide

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## If We Could See What The Data Brokers Have On Us, Would We Be Less Freaked Out By Them?

If a horror movie were to be made about what happens to our personal information in this [data-greedy age](#) — let's call this theoretical thriller 'The Internet Privacy Project' — data brokers would be the terrifying villain hanging out in a run-down house in the woods, cackling as they tricked versions of our digital selves to come inside. That's, at least, the impression you might have of data brokers based on fear-inspiring news coverage of these companies you've never heard of that collect information about what you buy, where you shop, what you click on, and which websites you visit. After taking your digital information hostage, they package it up and sell it, mainly to companies that want to use that info to advertise to you, but also potentially, to insurance companies and others that could save money (or make money) by knowing more about you.

After seeing horror movies, most people deal with their boogeyman fears by keeping the lights on. Darkness is scary because you don't know what lurks there. Today the Federal Trade Commission is calling for a

law that would turn the lights on around data brokering, a law that might make the “boogeymen” tapping into our data a little less scary.

In a wide-ranging [report](#) [pdf] that offers guidance to companies on how to deal with consumer privacy, the FTC calls on Congress to pass a law that would give Americans the right to access the information that data brokers hold on them, similar to the right they have to a copy of their credit reports under the FCRA. Defining data brokers as those who “collect and traffic in the data we leave behind when we travel through virtual and brick-and-mortar spaces,” FTC Chairman Jon Leibowitz said in a press conference that Americans should be able to see what information is held by data brokers and have the “right to correct inaccurate data.”

“If we hit the sweet spot on privacy legislation,” said Leibowitz, “it will create more trust.”

As Declan McCullagh points out on [CNet](#), the [122-page report](#) [pdf] doesn’t actually ever define “data broker.” When I asked how many companies we might be talking about here, I didn’t get a clear answer. It would certainly include companies like Acxiom, LexisNexis, and RapLeaf, but what about Catalina Marketing, a company that runs the loyalty shopping card programs for stores like [Safeway](#) and has rich information about consumers’ shopping habits? The FTC, of course, is asking Congress to pass the law, and appears to be leaving the nitty-gritty details to lawmakers. Senator John Kerry, for one, is [itching to pass legislation](#):

[W]e need to start a movement that actually gets us somewhere — resulting in passage of the Kerry-McCain Commercial Privacy Bill of Rights.

The lobbyists fighting us argue that you shouldn’t care if a company knows that you prefer blue shirts to white shirts or that over time, your waist size has grown a couple of inches. But what if a company constructs a specific and personal profile of your elderly parents and they sell that information to someone running a scam targeted senior citizens? Or what if a company determines that you are pregnant by analyzing your purchases and sends advertising for baby products to your home before you have shared that information with your spouse or your children? That’s not just invasive – it’s a little creepy.

Should you have choices about the use and distribution of your information? Should the collector have to secure it and delete or stop using it if you ask them to do so? Senator McCain and I believe the answer to both of these questions is yes.

via [John Kerry: Commercial Privacy Bill of Rights | ThinkProgress](#).

Jim Harper at the [Cato Institute](#) is skeptical of a law in this area, suggesting that credit reporting was hampered, rather than helped by the FCRA. But greater transparency around data brokering, whether brought about by legislation or through more forthcoming industry practices would certainly help consumers feel more comfortable with how their data is being used, and less like their data is stuck in a dark room with a faceless foe.

In the report, the FTC “recommends that the data broker industry explore the idea of creating a centralized website where data brokers that compile and sell data for marketing could identify themselves to consumers and describe how they collect consumer data and disclose the types of companies to which they sell the information”

Other news in the FTC report: the Federal Trade Commission is *not* calling for a Do-Not-Track law, appearing to be satisfied with what industry is doing in the area. The FTC also mentions that it wants better privacy protections around mobile apps and that it has its eye on “larger platform providers,” such as ISPs , browsers, and (increasingly) social n