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ONE HUNDRED NINTH CONGRESS

U.S. House of Representatives  
Committee on Energy and Commerce  
Washington, DC 20515-6115

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March 2, 2006

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BUD ALBRIGHT, STAFF DIRECTOR

The Honorable Deborah Platt Majoras  
Chairman  
Federal Trade Commission  
600 Pennsylvania Avenue, NW  
Washington, D.C. 20580-0001

Dear Chairman Majoras:

Recent news reports about online data brokers selling consumer's phone records have caused a great deal of concern among our constituents and those who serve on the House Committee on Energy and Commerce. The Federal Trade Commission (FTC) should act quickly under current existing authority to remedy these privacy breaches as part of the FTC's consumer protection mission, as Congress considers the need for further legislation.

In addition to phone records, testimony at the February 1, 2006, Committee on Energy and Commerce hearing indicated that online data brokers also sell personal identifiable information associated with consumers' Internet communications and activities. A variety of commercial Web sites offer "reverse look-up" services, where anyone can purportedly obtain the names, addresses, phone numbers, and other personal information behind e-mail addresses, instant messenger (IM) names, and Web site user names (such as from dating Web sites). Many privacy policies from Internet service providers, e-mail service providers, IM providers, and commercial Web sites restrict the use of personal identifiable information in ways that may be inconsistent with the services offered by these businesses. In response, some Internet service providers claim that these data brokers cannot actually obtain such information.

Congress and the public need to know if these services are possibly using illegal electronic means, internal leaks, pretexting, or other ruses to obtain consumers' personal identifiable information, just as those who sell wireless phone records. The sale of personal identifiable information in this context is particularly worrisome inasmuch as IM communications are extremely popular with young people, who could be targets of sexual predators who could identify and locate them after communicating online. Online dating Web sites also have obvious, legitimate reasons for maintaining the anonymity of their users' screen names. An average Internet user probably has no knowledge that someone who obtains their e-mail address can determine the user's personal identity, location, and phone numbers.


We therefore request that the FTC investigate businesses that sell consumers' personal identifiable information associated with Internet communications or activities in which privacy violations are likely. Specifically, we request that the following information be provided:

- Do these businesses in fact obtain the personal information behind e-mail addresses, IM names, and Web site screen names when the disclosure of this information is restricted by privacy policies, and if so how?
- Are the methods used by these businesses legal, or do these services more likely use illegal or suspect electronic or other means, such as pretexting, to obtain this information? Please explain the relevant legal issues, the risk to consumers, and steps that the FTC could take to protect consumers.
- If Congress considers legislation to make pretexting for consumer telephone records an unfair trade practice under Section 5 of the FTC Act, as appears likely, would the FTC oppose a similar determination for pretexting for personal identifiable information associated with Internet identifiers such as e-mail addresses, IM names, and screen names?

As the Committee is expected to consider legislation on these matters in the next few weeks, we ask that you respond to these questions by no later than Tuesday, March 14, 2006.

Thank you for your work to protect American consumers. If you need any further information regarding this request, please have your staff contact Consuela Washington, Senior Minority Counsel to the Committee on Energy and Commerce at (202) 225-3641 or Andrew Wallace with Rep. Gene Green at (202) 225-1688.

Sincerely,




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JOHN D. DINGELL  
RANKING MEMBER



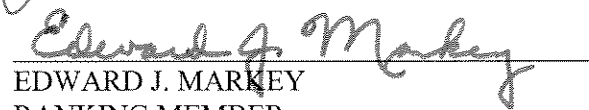
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GENE GREEN  
MEMBER  
SUBCOMMITTEE ON COMMERCE,  
TRADE, AND CONSUMER PROTECTION



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JAN SCHAKOWSKY  
RANKING MEMBER  
SUBCOMMITTEE ON COMMERCE,  
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