

Committee on Energy and Commerce  
U.S. House of Representatives

Witness Disclosure Requirement "Truth in Testimony"  
Required by House Rule XI, Clause 2(g)(5)

|   |     |    |
|---|-----|----|
| 1. Your Name: Justin Brodman  |     |    |
| 2. Your Title: Director, Privacy + Technology Policy  |     |    |
| 3. The Entity(ies) You are Representing: Consumers Union  |     |    |
| 4. Are you testifying on behalf of the Federal, or a State or local government entity?  | Yes | No |
| 5. Please list any Federal grants or contracts, or contracts or payments originating with a foreign government, that you or the entity(ies) you represent have received on or after January 1, 2015. Only grants, contracts, or payments related to the subject matter of the hearing must be listed. |     |    |
| 6. Please attach your curriculum vitae to your completed disclosure form.   |     |    |

Signature: \_\_\_\_\_



Date: \_\_\_\_\_

9/13/18

JUSTIN BROOKMAN  
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## EXPERIENCE

CONSUMERS UNION, Washington, DC

**Director, Privacy and Technology Policy**, Aug 2017-present

FEDERAL TRADE COMMISSION, Washington, DC

**Policy Director, Office of Technology Research and Investigation**, Aug 2015-Aug 17

Senior attorney within FTC's new OTECH group designed to bring more technological expertise to FTC consumer protection mission.

- Conduct original research into emerging technological and policy practices for publication (*e.g.*, *Cross Device Tracking: Measurement and Disclosures* in 17th Workshop on Privacy Enhancing Technologies (PETS))
- Provide technological assistance and collaborate with other divisions in ongoing investigations and policy guidance (*e.g.*, *In re Turn, Inc.* (ad tracking enforcement action), forthcoming study on mobile device security practices)
- Generate, research, and document leads for potential division investigations (*e.g.*, conducted underlying research for FTC's warning letters to mobile applications embedding Silverpush audio beacons)
- Organize FTC workshops and represent FTC at public events (*e.g.*, FTC's annual PrivacyCon conference for academic research into data privacy and security, FTC workshops on cross device tracking, Smart TVs)
- Provide training to FTC staff on emerging technology issues (*e.g.*, training sessions on geolocation technology, privacy enhancing technologies, Apple-FBI encryption debate)

CENTER FOR DEMOCRACY & TECHNOLOGY, Washington, DC

**Director, Consumer Privacy Project**, December 2010-July 2015

**Senior Resident Fellow**, January 2010-December 2010

Digital rights advocate focusing on consumer privacy law and policy at leading public interest organization. Managed a team of five working to ensure better privacy controls and protections for personal information collected by companies.

- Testified six times before Senate and House on need for better privacy protections
- Wrote in support of better technology law and policy (*e.g.*, *Protecting Privacy in an Era of Weakening Regulation*, 9 HARV. L. & POL'Y REV. 355 (2015); FTC complaint against Medical Justice for contract clauses limiting patients' right to rate doctors online)
- Collaborated with civil society coalition partners and industry to advocate for better privacy law and corporate practices (*e.g.*, joint CDT, EPIC, ACLU, &c. letter to Facebook calling for more granular controls, HTTPS by default, end to instant personalization; working group best practices guidance for mobile app data collection)
- Met with and advise Congressional staff and federal, state, and international regulators on legislation, investigations, potential enforcement cases, and emerging industry practices (*e.g.*, comparison chart of Boucher, Kerry-McCain privacy bills along with CDT's policy recommendations; detailed analysis of and recommendations for Consumer Privacy Bill of Rights; CDT data breach issue brief)
- Worked within technical standards setting bodies to build privacy into the architecture of the open internet (*e.g.*, editor then co-chair of W3C Tracking Protection Working Group)
- Developed CDT's internal privacy practices and policies, including re-write of privacy policy for CDT's website

OFFICE OF THE NEW YORK ATTORNEY GENERAL, New York, NY

**Chief, Internet Bureau**, April 2007-December 2009

**Assistant Attorney General, Internet Bureau**, August 2004-April 2007

Head of one of the nation's leading law enforcement groups dedicated to internet, technology, and telecommunications issues. Brought numerous cases on a wide range of topics including:

- *Security and Spyware*: Brought bellwether spyware cases against Intermix Media and Direct Revenue, leading to \$8.25 million in settlements. Reached agreement with major advertisers to cease use of illegal adware, which played a large role in crippling the industry. Led negotiations for multistate Sony-BMG rootkit settlement.
- *Privacy*: Brought first law enforcement action for violations of Gramm-Leach-Bliley's restrictions on use of financial data against USSearch.com. Successfully sued Gratis Internet for selling consumers' personal information in violation of express representations. Led investigation of NebuAd's use of deep packet inspection technology to deliver behavioral advertising.
- *False Advertising*: Brought first astroturfing law enforcement action against Lifestyle Lift for posting anonymous positive reviews to internet message boards. Reached numerous other settlements with targets over varied illegal and deceptive online practices.
- *Network Neutrality*: Settled first net neutrality case with Verizon Wireless over hidden restrictions on common internet usage. Negotiated with Comcast to drop protocols that deprioritize specific applications' access to the internet.
- *Free Speech*: Negotiated settlement with Blue Coat Systems to cease its illegal use of anti-testing clauses in license agreements to silence critics.
- *Child Safety and Social Networking*: Forged groundbreaking settlement with Facebook to make site safer for children while preserving the rights of users of the site.

Drafted, reviewed, proposed, and promoted legislation and policy initiatives for the office. Directed Bureau compliance with FOIA and other private and governmental requests for information. Coordinated initiatives and investigations with other regulators, corporations, and public interest groups. Frequent public speaker on internet issues. Responded to press inquiries on behalf of office.

FRIED, FRANK, HARRIS, SHRIVER & JACOBSON

**Associate**, Washington, DC, January 2001-August 2004

**Associate**, New York, NY, September 1998-January 2001

Six years of experience in general litigation practice, focusing on internal investigations, complex commercial disputes, government contracts, government relations, trade secrets, antitrust, and securities litigation. Supervised and managed large teams of attorneys and paralegals in discovery proceedings and internal investigations. Major cases include antitrust investigation into Microsoft, breakup of Andersen Consulting and Arthur Andersen, acquisition of Ingalls Shipbuilding by Northrop Grumman, and securities class action suit against Proctor & Gamble.

## EDUCATION

NEW YORK UNIVERSITY SCHOOL OF LAW, New York, NY

J.D. Degree, May 1998

Journal: *New York University Law Review*, Note and Comment Editor

Note: *The Constitutionality of the Good Friday Holiday*, 73 N.Y.U. L. Rev. 193 (April 1998)

UNIVERSITY OF VIRGINIA, Charlottesville, VA

B.A. Degree, Government (major), Religion (minor), May 1995