

Statement of Congressman Doug Collins  
Subcommittee on Antitrust, Commercial and Administrative Law  
Hearing on “Online Platforms and Market Power, Part 3: The Role of Data  
and Privacy in Competition”  
Friday, October 18, 2019

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Thank you, Chairman Cicilline and Ranking Member Sensenbrenner for holding this hearing.

This is the third in a series of tech-sector oversight hearings we are holding this term. Several of the tenets guiding me in this investigation are especially relevant to today’s hearing.

My first tenet is that innovation and competition in the tech sector have produced enormous value for consumers. We should keep existing companies’ successes in mind as we consider any allegations of anticompetitive behavior in this sector. At the same time, we should seek to foster conditions that will keep competition and innovation very much alive.

Second, new legislative proposals that emerge from our inquiry cannot hurt the free market. We must view proposals to construct broad, new regulatory regimes with caution. Time and again, experience shows that regulatory solutions often miss the mark, solve problems less efficiently than free markets can and create new opportunities for anticompetitive companies to suppress competition through rent-seeking. All of that is particularly true when regulations are used to address evolving problems in fast-moving markets like today's tech sector.

Lastly, as I have stressed multiple times, big is not necessarily bad. There is no basis to punish successful innovators — for example, by repeatedly threatening to break them up — just because their success enables them to become big. Big online platforms often provide a gateway for other companies — including countless small businesses — to better reach their own consumers.

Each of these principles applies to the roles that data — particularly big data — and data privacy play and the ways to protect consumer data privacy.

I want to focus especially on the ways we can protect consumers' privacy. This is an issue that has rocketed to the forefront of our constituents' concerns, and, as such, it is imperative we find a better way to protect the privacy of online consumer data.

This summer, I released the principles that would guide me in drafting legislation to address privacy. My first principle is that we must recognize that the online data consumers generate across their devices begins as their property — not anyone else's, but *theirs*.

When consumers generate this data, they should have a powerful voice in who gets to use it, how much and under what conditions. Since it's their property, they should also determine the level of privacy surrounding their data.

Another principle that I want to emphasize today is that we must look for a legislative solution that is *much more* flexible and adaptive to the rapidly evolving online ecosystem than new governmental regulatory and enforcement regimes could ever be.

The American people don't need — nor do they want — new government bureaucracies and agency-imposed regulatory schemes controlling their online lives. We should empower consumers to protect their data and their privacy *directly*, as their own property. Once they are, I believe online service providers will respond with innovative ways to better serve consumers without threatening to over-intrude on consumers' data privacy.

One need only look at Europe's experience with the European Union's General Data Protection Regulation to see how true this is. Since the GDPR became effective, innovation and startup levels have plummeted, and big, entrenched market entities have only become larger and more entrenched at the expense of competitors and consumers.

Since I announced my privacy principles, we have been working diligently with stakeholders and experts to frame out the elements of effective, property-based privacy legislation. Results to date are encouraging, and I look forward to introducing this legislation in this Congress. I hope today's hearing can further illuminate the issues we should bear in mind as we work toward this goal.

I look forward to the witnesses' testimony and yield back the balance of my time.

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