



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

April 27, 2018

The Honorable Debbie Dingell
U.S. House of Representatives
116 Cannon House Office Building
Washington, D.C. 20515

Dear Congresswoman Dingell:

Thank you for your letter regarding the possible acquisition and use of subscriber data by Cambridge Analytica. Specifically, you reference two articles detailing allegations that cross-platform analytics company ComScore, direct broadcast satellite company DISH, and set-top box maker TiVo may have given Cambridge Analytica, as you put it, “the specific viewing habits of many subscribers in the United States.”¹

You request that the Commission commence an investigation into these allegations for possible violations of Sections 338(i) and 631 of the Communications Act. With a few exceptions not relevant here, these provisions generally prohibit satellite and cable operators from disclosing a subscriber’s personally identifiable information (PII) without the prior written or electronic consent of that subscriber, although Congress specified that the definition of PII in each section “does not include any record of aggregate data which does not identify particular persons.”² Notably, these statutory provisions provide subscribers with a private right of action to file claims in U.S. District Court.

Given the FCC’s limited authority in this area—neither TiVo nor ComScore is a satellite or cable operator and it is unclear whether DISH shared individual PII or only “aggregate data which does not identify particular persons”—I believe the appropriate investigatory authority is not the Federal Communications Commission but instead the Federal Trade Commission. As our nation’s premier privacy cop on the beat, the FTC has already announced that it will examine Facebook’s conduct with respect to Cambridge Analytica. Accordingly, I have therefore forwarded your inquiry to my counterpart there to examine further. I am sure this inquiry will be in good hands, given our sister agency’s well-established record of protecting consumers’ privacy and mandate to examine potentially unfair and deceptive trade practices.

¹ See John Tsarpalas, Voter Analytics with Brittany Kaiser CW 51-Transcript, *Commonwealthy*, <https://www.commonwealthy.com/voter-analytics-transcript/> (Mar. 29, 2016); Ann Marlowe, Trump’s Data Gurus Are Now Turning Their Attention To Your TV, *Fast Company*, <https://www.fastcompany.com/40477438/cambridge-analytica-has-your-tv-in-mind-and-an-unlikely-ally> (Nov. 15, 2017).

² 47 U.S.C. § 338(i)(2)(A); 47 U.S.C. § 551(a)(2)(A).

Page 2—The Honorable Debbie Dingell

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ajit V. Pai". The signature is written in a cursive style with a large initial "A".

Ajit V. Pai