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April 6, 2018

The Honorable Ajit V. Pai
Chairman
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Dear Chairman Pai:

I write to ask the Federal Communications Commission (FCC) to open an investigation into whether Cambridge Analytica has or has ever had access to consumers viewing or other personal data, whether Cambridge Analytica used such data to influence the 2016 Presidential Election, and whether Cambridge Analytica's use of such data violated the Communications Act.^[1]

Reports have surfaced indicating that Cambridge Analytica—a data analysis firm with close ties to President's Trump's 2016 Election Campaign—has used consumers' personal information without consent.^[2] Reports have focused primarily on how Cambridge Analytica obtained intimate data from more than 87 million Facebook users.^[3] Yet, statements made by officers at Cambridge Analytica indicate that they may have also obtained the specific viewing habits of many subscribers in the United States.^[4]

Specifically, Cambridge Analytica program director Brittany Kaiser claimed as part of a 2016 interview that the company purchased consumers viewing or other personal data.^[5] Kaiser notes that these data are exceptionally detailed and can “tell you exactly when someone logs in,

[1] See 47 U.S.C. § 551.

[2] Time, *Facebook's Cambridge Analytica Controversy Could Be Big Trouble for the Social Network. Here's What to Know* (Mar. 21, 2018) (time.com/5205314/facebook-cambridge-analytica-breach/).

[3] *Id.*

[4] Commonwealth, *Voter Analytics with Brittany Kaiser CW 51-Transcript* (Mar. 29, 2016) (www.commonwealthy.com/voter-analytics-transcript/).

[5] *Id.*

what they are recording, [and] what they fast forward through.”^[6] What’s more, reports indicate that Cambridge Analytica’s Chief Revenue Officer claimed earlier this year that the company could not only use such viewing habits to understand voters’ preferences, but that the company could also use that data in conjunction with new smart TVs and set-top-boxes to target political content on televisions.^[7]

Given these reports, the FCC has a responsibility to launch an investigation to uncover whether any entity that the FCC regulates sold or otherwise provided any subscriber data to Cambridge Analytica and, if so, whether such provision of data violated the Communications Act. Sections 338 and 631 of the Communications Act provide several protections for sensitive subscriber information of the type Cambridge Analytica claims to have obtained. The privacy protections in both Sections 338 and 631 include a requirement that operators provide an annual notice to their subscribers describing the “nature” of the information that will be collected by the operator and the nature of the use of such information.^[8] Such disclosure must also detail the types of persons with whom the data may be shared.^[9] Importantly, both sections also require that an operator obtain the prior written or electronic consent of a subscriber before collecting personally identifiable information.^[10] Finally, the law requires that operators “take such actions as are necessary” to prevent unauthorized access to subscribers’ viewing habits.^[11]

Given the specific protections laid out under the Communications Act and the troubling scope of the recent revelations regarding Cambridge Analytica, I believe the Commission should bring its investigatory resources to bear to protect consumers’ privacy. Specifically, I request the Commission investigate whether any entity under the FCC’s oversight provided its subscribers’ personally identifiable information or viewing habits to Cambridge Analytica, and whether such disclosure violated the Communications Act. Further, such an investigation should seek to uncover the business relationship between these companies and Cambridge Analytica, including any understanding by the companies of how Cambridge Analytica used such data and whether Cambridge Analytica planned to use the data to influence the 2016 Presidential Election.

^[6] *Id.*

^[7] Fast Company, *Trump’s Data Gurus Are Now Turning Their Attention To Your TV* (Nov. 15, 2017) (www.fastcompany.com/40477438/cambridge-analytica-has-your-tv-in-mind-and-an-unlikely-ally).

^[8] 47 U.S.C. § 551(a)(1)(A); 47 U.S.C. § 338(i)(1)(A)

^[9] 47 U.S.C. § 551(a)(1)(B); 47 U.S.C. § 338(i)(1)(B)

^[10] 47 U.S.C. § 551(b)(1); 47 U.S.C. § 338(i)(4)(A)

^[11] 47 U.S.C. § 551(c)(2)(C)(ii)(I); 47 U.S.C. § (i)(4)(B)(iii)(II)(aa)

I appreciate your assistance with this important matter. Please provide a response to this letter within three weeks of receipt. Should you have any questions regarding this request, please contact Kevin Dollhopf in the Office of Congresswoman Debbie Dingell at (202) 225-4071

Sincerely,

A handwritten signature in blue ink that reads "Debbie Dingell". The signature is written in a cursive, flowing style.

Debbie Dingell
Member of Congress