

Biden to Nominate Privacy Advocate Alvaro Bedoya as an FTC Commissioner

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On September 13, President Biden announced his intent to nominate privacy advocate Alvaro Bedoya to serve as a commissioner of the Federal Trade Commission (FTC). If confirmed, Bedoya will take the seat currently held by Rohit Chopra, who President Biden has nominated as the next director of the Consumer Financial Protection Bureau (CFPB), as we reported [here](#).

Bedoya currently acts as the founding director of the Center on Privacy & Technology (CPT) at Georgetown Law, where he also serves as a visiting professor. His scholarship focuses on the idea that privacy is a civil right that also implicates civil liberties, specifically arguing that privacy is a civil right because it “is about human dignity,” and that privacy implicates civil liberties because government surveillance “threatens vulnerable people fighting for equality.”^[1]

In one of his most important works, Bedoya and two coauthors published a study that purports to be “the most comprehensive survey to date of law enforcement face recognition and the risks it poses to privacy, civil liberties, and civil rights.”^[2] The study contends that law enforcement databases include the biometric information of over 117 million American adults and that facial recognition technology is “racially biased” and, as evidenced by the “history of FBI and police surveillance of civil rights protests,” presents a “real risk” of being used to “stifle free speech.”^[3]

Building on that study, Bedoya has been a vocal critic of government surveillance and of the companies that facilitate the government’s collection and use of data. He has sharply criticized the U.S. Immigration and Customs Enforcement (ICE) agency’s use of Big Data to identify immigrants for deportation.^[4] Further, he has repeatedly maintained that the use of data, whether by governments or private companies, has “disparate impact” on marginalized groups, arguing, for instance, that “the impact of consumer tracking varies greatly by race, class, and power.”^[5]

Prior to taking a position at Georgetown, Bedoya served as the first chief counsel to the U.S. Senate Judiciary Subcommittee on Privacy, Technology, and the Law. A naturalized citizen born in Peru, Bedoya graduated from Harvard College and Yale Law School.

In response to Bedoya’s nomination, FTC Chair Lina Khan released a statement of support, asserting that Bedoya’s “expertise on surveillance and data security and his longstanding commitment to public service would be enormously valuable to the Commission as we work to meet this moment of tremendous need and opportunity.”

Public Knowledge also issued a statement of support, asserting that Bedoya has “proven himself a public interest champion,” “blazed a trail in holding Big Tech accountable,” and “spent his career fighting on behalf of the powerless, particularly those in immigrant communities.”

In response to his nomination, Bedoya tweeted: “It is the honor of my life to be nominated to serve on the FTC. When my family landed at JFK in 1987 with 4 suitcases and a grad student stipend, this was not what we expected.”

Our Take. If confirmed as an FTC commissioner, Bedoya will probably become the FTC’s leading voice on data privacy and security issues. Also, he will likely focus on harms to marginalized groups, both in consumer protection and competition matters. And in all of that, he is likely to join FTC Chair Lina Khan in pushing the FTC to adopt a more aggressive enforcement and rulemaking agenda.

[1] Alvaro Bedoya, *Privacy as a Civil Right*, 50 N.M. L. Rev. 301, 306 (2020).

[2] Alvaro Bedoya, Clare Garvie & Jonathan Frankle, *The Perpetual Line-Up: Unregulated Police Face Recognition in America* (Center on Privacy & Technology Oct. 18, 2016), available at <https://www.perpetuallineup.org/> (last visited Sept. 15, 2021).

[3] *Id.*

[4] Alvaro Bedoya, “The Cruel New Era of Data-Driven Deportation,” *Slate*, Sept. 22, 2022.

[5] See, e.g., Alvaro Bedoya, “A License to Discriminate,” *The New York Times*, June 6, 2018.