



Office of the Director
Bureau of Consumer Protection

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Federal Trade Commission
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CLOSING REMARKS FOR THE FEDERAL TRADE COMMISSION'S WORKSHOP ON
INJURIES & BENEFITS IN A DATA-DRIVEN ECONOMY

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* The views expressed in these remarks are my own and do not necessarily reflect the views of the Federal Trade Commission.

Good afternoon. I am Chris Mufarrige, the Director of the Bureau of Consumer Protection. I would like to thank everyone who made today's workshop possible, especially the staff from the Division of Privacy and Identity Protection and the Bureau of Economics who organized today's event, and the thoughtful speakers and panelists we've heard from today.

The Commission plays a vital role in preserving and facilitating the competitive market process. The goal of consumer protection is to respect consumers' preferences and focus our enforcement resources on preserving consumers' ability to make well-informed choices based on truthful, non-misleading information.¹ We accomplish this goal by ferreting out the illegal conduct that distorts the market – the deceptive ad or misleading cancellation mechanism that prevents competitors from operating on an even playing field and hobbles the consumer's ability to make an informed choice.

Past Commissions have strayed from this core function by attempting to remake markets in a planner's vision. History tells us that no matter how good the intentions, government is never better positioned to make decisions about consumers' lives than consumers themselves. And when government attempts to remake markets, such intervention hems in innovation, ultimately depriving consumers of choice.

These principles are just as important in the privacy setting as they are for other parts of our economy. Too often I hear privacy described as a binary issue—that we must constrain innovation to preserve privacy. Framing the debate in these terms ignores the fact that privacy choices are context specific and consumers have different preferences about privacy, as they do with other attributes of products and services. To promote *both* privacy and innovation, our law enforcement agenda should be empirically driven: we need empirical evidence of both the injuries and benefits in the data-driven economy. Examining injuries in a vacuum – or speculating about a potential “parade of horrors” without empirical evidence of harm – ignores our statutory mandate to weigh the likelihood of substantial injury against the countervailing benefits to consumers and competition.² Moreover, this myopic focus impedes innovation, harming the very consumers “helped” by our action.

The empirical work done or highlighted by the panelists today is crucial to understanding the data-driven economy. But, as we heard today, there are many open questions – which means we have more to learn. The Commission has long played an important role in generating and fostering empirical work. We have our own Bureau of Economics, whose talented economists generate empirical work that informs our law enforcement choices, as my colleague Dan Wood highlighted today. In addition, the

¹ *In re International Harvester Co.*, 104 F.T.C. 949, 1055-56 (1984). The Commission also noted that “the touchstone here is free consumer choice. We do not look for evidence that the product selected is actually inferior to its alternatives.” *Id.* at n. 16.

² 15 U.S.C. § 45(n).

Commission holds workshops like this one to solicit and raise awareness about empirical work. I encourage all of you listening today to take this opportunity to advance consumer protection by supporting more empirical work about the data-driven economy.