

May 15, 2018

Chairman Joseph Simons
The Federal Trade Commission
600 Pennsylvania Ave., N.W.
Washington, D.C. 20580

Re: In the Matter of Samsung Electronics Co., Ltd.

Dear Chairman Simons and FTC Commissioners:

We write to you regarding the enclosed Complaint concerning unfair and deceptive business practices by Samsung Electronics, originally filed with the Federal Trade Commission by the Electronic Privacy Information Center (“EPIC”) on February 24, 2015. Today, EPIC renews our request that the Commission act on this urgent matter.

Samsung’s “always on” SmartTV intercepts and records consumers’ private conversations and transmits unencrypted voice recordings to third parties without consumers’ knowledge or consent. Samsung does not clearly disclose these practices to consumers, and moreover, Samsung falsely represents to consumers that it encrypts their voice recordings before transmitting them to third parties. Samsung has continued these practices since EPIC filed the Complaint in 2015. In addition, Samsung is now collecting viewing data from consumers without prominently disclosing the practice or obtaining consumers’ affirmative consent,¹ a practice the FTC found to violate Section 5 in a settlement with VIZIO last year.²

Samsung’s conduct is unfair and deceptive in violation of Section 5 of the FTC Act, and also violates the Children’s Online Privacy Protection Act, the Electronic Communications Privacy Act, and the Cable Communications Policy Act. EPIC respectfully urges the Commission to investigate Samsung, enjoin these practices, and protect the privacy of American consumers.

Thank you for your consideration of this request. We look forward to working with you on this and other important issues.

Sincerely,

Marc Rotenberg

Marc Rotenberg
EPIC President

Sam Lester

Sam Lester
EPIC Consumer Privacy Counsel

¹ See, SAMSUNG, *Samsung Privacy Policy*, <http://www.samsung.com/sg/info/privacy/smarttv/> (last visited May 14, 2018).

² *FTC v. Vizio, Inc.*, No. 2:17-cv-00758 (Stipulated Order for Permanent Injunction and Monetary Judgment) (D. N.J. Feb. 14, 2017).