

United States Senate  
WASHINGTON, DC 20510

April 14, 2011

The Honorable Jon Leibowitz  
Chairman  
Federal Trade Commission  
600 Pennsylvania Avenue, NW  
Washington, DC 20580

Dear Chairman Leibowitz:

I'm writing to express my concern regarding the recent data breach by the marketing firm Epsilon. This breach underscores the importance of requiring strong data security safeguards and data breach notification standards of which I have been a long-time advocate through legislation, hearings and other work within the Subcommittee on Consumer Protection, Product Safety, and Insurance, which I chair, on the U.S. Senate Commerce, Science, and Transportation Committee.

As you know, I have recognized risks to consumers posed by massive data breaches and I have repeatedly encouraged and supported better consumer protections in this domain. Last August I introduced, with the support of Chairman Rockefeller, S.3742, the Data Security and Breach Notification Act. Our bill would require businesses and nonprofit organizations that store consumers' personal information to put in place strong security features to safeguard sensitive data, alert consumers when this data has been breached, and provide affected consumers with the tools they need to protect their credit and finances.

Importantly, our bill predicts the need to provide to the Commission flexibility in considering the universe of consumers' personal information covered – anticipating potential changes in technology or practices while not unreasonably impeding interstate commerce.

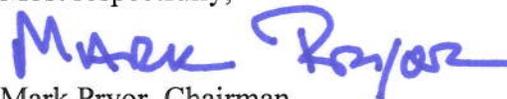
Some news articles have suggested that the Epsilon breach could lead to phishing attacks where consumers are targeted by deceptive e-mails that purport to come from legitimate businesses, but in reality, are designed by thieves to steal information such as passwords or account numbers. Malicious activity of this nature should not be tolerated.

I encourage you to investigate the Epsilon data breach as soon as possible to determine whether Epsilon's data security procedures and actions post-breach are consistent with its obligations under the Federal Trade Commission Act or other laws you enforce.

As always, I am appreciative of you and your staff's dutiful efforts to protect American consumers across the country from fraud and other unfair or deceptive trade practices. Your

continued leadership – especially in this difficult economy – is critical. If you have any questions, please contact Mia Petrini of my staff at 202-224-8079.

Most respectfully,

A handwritten signature in blue ink that reads "Mark Pryor". The signature is written in a cursive, slightly stylized font.

Mark Pryor, Chairman  
Subcommittee on Consumer Protection,  
Product Safety and Insurance