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# Privacy Law

# ALERT

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## Commissioner Edith Ramirez Elevated to Chair of Federal Trade Commission

Filling the vacancy left by outgoing chair Jon Leibowitz, President Barack Obama named Edith Ramirez as the next head of the Federal Trade Commission. As a current commissioner, Ramirez, who was first appointed and confirmed to the five-member FTC in 2010, will assume the agency's head position without requiring further Senate approval. Her appointment will leave the commission with only four members – two Democrats and two Republicans – until the President names a fifth commissioner, who must then be confirmed by the Senate.

A former *Harvard Law Review* colleague of President Obama, Ramirez was a corporate litigator in Los Angeles before joining the FTC. After graduating from Harvard Law School, Ramirez served as a law clerk to Ninth Circuit Judge Alfred T. Goodwin and was an associate at Gibson, Dunn & Crutcher LLP before becoming a partner at Quinn Emanuel Urquhart & Sullivan LLP. Her practice focused on antitrust, intellectual property and unfair competition.

During her tenure at the FTC, Ramirez has been vocal in advancing the agency's emerging policies on consumer privacy, including in the Commission's recent high-profile enforcement actions. Ramirez's track record and statements as commissioner suggest that, as chair, she will take an active role in shaping and implementing the agency's agenda concerning online privacy and data security. Ramirez has emphasized the principle of "privacy by design," observing in a June 2012 address that "[r]especting privacy must be considered integral to the innovation process" and must inform all company practices from product design onward.

Likewise, Ramirez has stressed the need for "simplified choice" in the area of consumer-side privacy controls, stating that consumers should be given "clear and simple choices about their data at a relevant time and context, outside of lengthy privacy policies or terms of service." Along those lines, Ramirez has been openly supportive of "Do Not

Track" mechanisms and in public remarks has signaled a commitment to work with technology industry leaders toward the implementation of a strong "Do Not Track" system.

Although Ramirez has expressed support for more exacting legislation as well as a commitment to the aggressive exercise of the FTC's enforcement authority, the new chair has also publicly acknowledged the important role of self-regulation. In remarks made in an FTC workshop in November 2012, Ramirez noted the role of "robust self-regulation as an important tool for consumer protection that potentially can respond more quickly and efficiently than government regulation." Noting the FTC's encouragement of these self-regulatory efforts in a variety of domestic markets, Ramirez believes the FTC should take a "leadership" role in developing cross-border codes of conduct to focus its efforts on transnational consumer protection issues.

In an FTC [statement](#) Feb. 28, 2013, announcing the President's decision, Ramirez stated: "I am deeply honored at the opportunity to lead the Federal Trade Commission. I look forward to working with my fellow commissioners and the able FTC staff to continue the agency's proud history of promoting vigorous competition and protecting consumers." Ramirez also thanked Chairman Leibowitz for his strong leadership of the agency, stating that she welcomed the opportunity "to build on his legacy of active enforcement of our antitrust and consumer protection laws."

Ramirez began her term as chair March 4, 2013. President Obama has not yet disclosed his pick for the open commissioner seat. Filling the seat is likely to be delayed, given the need for Senate confirmation.

For more information about the content of this alert, please contact [Michael Mallow](#), [Michael Thurman](#) or [Christine Reilly](#).

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