Federal Trade Commission's Proposed Enforcement Policy Statement Regarding Personalized Pricing

August 19, 2026

I. Summary

There is growing public concern that modern data collection and processing capabilities can allow businesses to set personalized prices based on analysis of consumers' personal data and resulting conclusions, such as estimates of how much an individual consumer is willing to pay for a product or whether that consumer is likely to engage in comparison shopping. Although personalized pricing is a long-established norm in some markets, it is not in many others. Personalized pricing in the latter markets would therefore run contrary to longstanding practice and consumers' reasonable expectations that the price they see for a product or service is the same price that any other consumer at the same place and time would see.

Congress has not given the Commission the authority to prohibit personalized pricing in all circumstances, but the Commission intends to enforce the law aggressively against any deceptive or unfair personalized pricing practices that violate Section 5 of the FTC Act or any other law enforced by the Commission. Where consumers reasonably expect that prices for a product or service will not vary based on their personal data, businesses that engage in personalized pricing should clearly and conspicuously disclose not just that the price is personalized, but also the basis for that personalization and the types of data on which the personalization is based. The failure to make these disclosures is likely to constitute an unfair or deceptive act or practice in violation of Section 5. The Commission intends to deploy enforcement resources in a manner consistent with this conclusion.

II. Background

The Federal Trade Commission under President Trump's leadership has been and remains focused on ensuring that the price consumers see for a good or service is the price that consumers will pay for that good or service without any surprises or hidden charges.[1] These

---

[1] Press Release, FTC, *FTC Seeks Public Comment on Unfair and Deceptive Fee Practices in Online Food and Grocery Delivery Services* (Apr. 14, 2026), https://www.ftc.gov/news-events/news/press-releases/2026/04/ftc-seeks-public-comment-unfair-deceptive-fee-practices-online-food-grocery-delivery-services; Press Release, FTC, *StubHub Refunding $10 Million in Fees to Consumers After Deceptive Ticket Pricing* (Apr. 9, 2026), https://www.ftc.gov/news-events/news/press-releases/2026/04/stubhub-refunding-10-million-fees-consumers-after-deceptive-ticket-pricing; Press Release, FTC, *FTC, Maryland Attorney General Secure Full Refunds and Additional Penalties Against Lindsay Auto Group for Deceptive Pricing Practices and Unwanted Add-ons* (Apr. 2, 2026), https://www.ftc.gov/news-events/news/press-releases/2026/04/ftc-maryland-attorney-general-secure-full-refunds-additional-penalties-against-lindsay-auto-group; Press Release, FTC, *Instacart to Pay $60 Million in Consumer Refunds to Settle FTC Lawsuit Over Allegations it Engaged in Deceptive Tactics* (Dec. 18, 2025), https://www.ftc.gov/news-events/news/press-releases/2025/12/instacart-pay-60-million-consumer-refunds-settle-ftc-lawsuit-over-allegations-it-engaged-deceptive; Press Release, FTC, *Greystar Agrees to Pay $24 Million and Stop Deceptive Advertising Practices as a Result of FTC and Colorado Lawsuit Alleging the Firm Deceived Consumers*

priorities have also been outlined in President Trump's executive orders focusing on issues that affect the cost of living for American families.[2]

The public, Congress, and state legislatures are increasingly concerned that the massive amount of data collected and generated when consumers use modern technology is making it possible for merchants to personalize prices for goods and services that traditionally did not vary from person to person and which American consumers therefore reasonably expect will not be any different for them than they will be for their friends or neighbors. When consumers walk into a retail store, for example, they reasonably expect the price on the shelf to be the same price offered to any other consumer shopping at the same store at the same time. Likewise, when they browse to a product listing on a retailer's website, they reasonably expect the price to be the same price that anyone else browsing to that listing would see, not a price set based on the retailer's analysis of their personal data and conclusion as to how much they would be willing to pay for that product as compared to some other consumer. These expectations of non-personalized pricing, in turn, factor into consumers' decisions regarding where to shop, whether and where to comparison shop, and other important considerations impacting the purchase process.

Consumers obviously do not expect that prices will never vary. Prices will vary based on changes in supply and demand that affect everyone participating in the same market. Sometimes those supply-demand variations will be intensely local—for example, the prices of rideshare services can vary if the supply and demand in one neighborhood is different than in an adjoining

---

About Rent Prices (Dec. 2, 2025), https://www.ftc.gov/news-events/news/press-releases/2025/12/greystar-agrees-pay-24-million-stop-deceptive-advertising-practices-result-ftc-colorado-lawsuit; Press Release, FTC, *FTC Rule on Unfair or Deceptive Fees to Take Effect on May 12, 2025* (May 5, 2025), https://www.ftc.gov/news-events/news/press-releases/2025/05/ftc-rule-unfair-or-deceptive-fees-take-effect-may-12-2025; *see also* Press Release, FTC, *FTC Seeks Public Comment on a Proposed Rulemaking Regarding Unfair or Deceptive Rental Housing Fee Practices* (Mar. 12, 2026), https://www.ftc.gov/news-events/news/press-releases/2026/03/ftc-seeks-public-comment-proposed-rulemaking-regarding-unfair-or-deceptive-rental-housing-fee.

[2] Exec. Order No. 14395, Establishing the Task Force to Eliminate Fraud, 91 Fed. Reg, 13485 (Mar. 16, 2026), https://www.whitehouse.gov/presidential-actions/2026/03/establishing-the-task-force-to-eliminate-fraud/; Exec. Order No. 14364, Addressing Security Risks From Price Fixing And Anti-Competitive Behavior In The Food Supply Chain, 90 Fed. Reg. 57349 (Dec. 6, 2025), https://www.whitehouse.gov/presidential-actions/2025/12/addressing-security-risks-from-price-fixing-and-anti-competitive-behavior-in-the-food-supply-chain/; Exec. Order No. 14331, Guaranteeing Fair Banking For All Americans, 90 Fed. Reg. 38925 (Aug. 7. 2025), https://www.whitehouse.gov/presidential-actions/2025/08/guaranteeing-fair-banking-for-all-americans/; Exec. Order No. 14297, Delivering Most-Favored-Nation Prescription Drug Pricing to American Patients, 90 Fed. Reg. 20749 (May 12, 2025), https://www.whitehouse.gov/presidential-actions/2025/05/delivering-most-favored-nation-prescription-drug-pricing-to-american-patients/; Exec. Order No. 14273, Lowering Drug Prices by Once Again Putting Americans First, 90 Fed. Reg. 16441 (Apr. 15, 2025), https://www.whitehouse.gov/presidential-actions/2025/04/lowering-drug-prices-by-once-again-putting-americans-first/; Exec. Order No. 14267, Reducing Anti-Competitive Regulatory Barriers, 90 Fed. Reg. 15629 (Apr. 9, 2025), https://www.whitehouse.gov/presidential-actions/2025/04/reducing-anti-competitive-regulatory-barriers/; Exec. Order No. 14254, Combating Unfair Practices in the Live Entertainment Market, 90 Fed. Reg. 14699 (Mar. 31, 2025), https://www.whitehouse.gov/presidential-actions/2025/03/combating-unfair-practices-in-the-live-entertainment-market/.

neighborhood, as well as other factors intrinsic to the requested ride.[3] Prices may vary based on regional differences in taxes, regulations, and market conditions. And the prices of some products necessarily vary from purchaser to purchaser because of the nature of the product—for example, the prices of insurance policies or of credit necessarily turn on a consumer's individualized characteristics and details so that they properly reflect the risk of providing an insurance policy or loaning money to the consumer.[4]

The rise of data-driven "personalized pricing" has the potential to transform our history of relatively limited variation in pricing from one consumer to the next. The significant amount of data collected and generated when consumers use modern technology may give merchants the tools to personalize prices for goods and services that traditionally have not varied from person to person.[5] Because consumers generate, and countless firms collect and purchase, data reflecting every facet of our lives, these data can reveal "some of our most intimate details—our identities, interests, locations, credit histories, medical conditions, sexual interests, and religious and political views."[6] Many Americans do not understand just how much data they generate every second of their lives.[7] Nor do they necessarily understand how those data are collected and stored, to whom they may be sold, or how they may be used—including, potentially, to price products and services uniquely for them on the basis of their intimate details.

The extent to which businesses currently use personalized pricing is not well understood, and the effects of personalized pricing on consumers are unclear.[8] As a theoretical matter, perfect personalized pricing without business competition would allow a monopolist to capture the entire consumer surplus by charging each consumer the highest amount he is willing to pay for a

---

[3] *See, e.g.*, Yanqiao Wang, *Pricing at Lyft* (Aug. 2, 2022), https://eng.lyft.com/pricing-at-lyft-8a4022065f8b; Yupeng Chen et al., *Uber vs. Lyft: How Do They Decide Their Price?*, DataRes at UCLA, Medium (Jan. 7, 2021), https://ucladatares.medium.com/uber-vs-lyft-how-do-they-decide-their-price-92222122f482.

[4] Concurring Statement of Commissioner Andrew N. Ferguson, Surveillance Pricing Intermediaries, Matter No. P246202, at 1 (July 23, 2024), https://www.ftc.gov/system/files/ftc_gov/pdf/surveillance-pricing-6b-ferguson-concurrence.pdf ("Ferguson Surveillance Pricing Statement").

[5] *See* Patrick J. Kehoe at al., *Dynamic Competition in the Era of Big Data* at 1 (Nov. 3. 2020).

[6] Ferguson Surveillance Pricing Statement, *supra* note 4 at 1.

[7] *See, e.g.*, Concurring and Dissenting Statement of Commissioner Andrew N. Ferguson, Social Media and Video Streaming Services Report, Matter No. P205402, at 1 (Sept. 19, 2024), https://www.ftc.gov/system/files/ftc_gov/pdf/ferguson-statement-social-media-6b.pdf ("Most Americans do not understand, however, how much of their private data these companies are collecting, nor what they are doing with that information after collecting the data."); Colleen McClain et al., *How Americans View Data Privacy*, Pew Research (Oct. 18, 2023), https://www.pewresearch.org/internet/2023/10/18/how-americans-view-data-privacy/ ("Some 67% [of the American public] say they understand little to nothing about what companies are doing with their personal data, up from 59%."); Hailey Reissman, *Americans Don't Understand What Companies Can Do With Their Personal Data — and That's a Problem* (Feb. 7, 2023), https://www.asc.upenn.edu/news-events/news/americans-dont-understand-what-companies-can-do-their-personal-data-and-thats-problem.

[8] *See, e.g.*, Jean-Pierre Dubé & Sanjog Misra, *Personalized Pricing and Consumer Welfare*, 131 J. Pol. Econ. 131, 134 (2023) (noting that the study may be "the first to document both the feasibility and implications of scalable personalized pricing"); Nicholas Buchholz at al., *Personalized Pricing and the Value of Time: Evidence from Auctioned Cab Rides*, 93 Econometrica 929, 930 (2025) ("The welfare effect of price discrimination is known to be ambiguous and thus a matter of empirical measurement." (citation omitted)).

product or service.[9] But real-world personalized pricing would be less than perfect in its ability to identify consumers and determine their willingness to pay and, in the vast majority of circumstances, would have to contend with competitive pressures that limit pricing power.[10] The limited economic research on the question suggests that while personalized pricing is likely to increase business profits,[11] benefits to some consumers are accompanied by losses to other consumers[12] and that the more sophisticated personalized pricing practices become, the less likely consumers are to benefit.[13]

III. Personalized Pricing Without Adequate Disclosures Likely Violates Section 5

Congress has not given the Commission the authority to prohibit personalized pricing outright, but the Commission intends to enforce aggressively against any practices associated with personalized pricing that violate Section 5 of the FTC Act, which prohibits unfair or deceptive acts or practices in or affecting commerce,[14] or any other law enforced by the Commission.[15]

An act or practice is deceptive if it involves a representation, omission, or practice that is material and likely to mislead the consumer acting reasonably in the circumstances, to the

---

[9] Dubé, *supra* note 8, at 141.
[10] *See, e.g.*, *id.* at 133, 140–41.
[11] *See, e.g.*, *id.* at 131, 135; Buchholz, *supra* note 8, at 929; B. R. Shiller, *Approximating Purchase Propensities and Reservation Prices From Broad Consumer Tracking*, 61 Int'l Econ. Rev. 847 (2020).
[12] *See, e.g.*, Dubé, *supra* note 8, at 131–38; Buchholz, *supra* note 8, at 929–32.
[13] Ginger Zhe Jin et al., *Surveillance Pricing: A Cautionary Summary of Potential Harms and Solutions*, CPI Antitrust Chronicle at 4 (July 14, 2025); Andrew Rhodes & Jidong Zhou, *Personalized Pricing and Competition*, 114 Am. Econ. Rev. 2141–70 (2024) (finding that when only some companies in a market can personalize prices, consumers can be worse off than when either all or no companies do so); Rosa-Branca Esteves & Francisco Carballo-Cruz, *Access to Data for Personalized Pricing: Can It Raise Entry Barriers and Abuse of Dominance Concerns*, NIPE Working Papers, NIPE, Universidade do Minho (May 2025); Buchholz, *supra* note 8, at 929; *cf.* Dubé, *supra* note 8, at 141–43 (setting out theoretical examples involving databases with varying information available to firms and explaining that "the example indicates that the consumer welfare implication of personalized pricing is ultimately an empirical question that depends on the databases available to firms for marketing decision-making").
[14] FTC Policy Statement on Deception ("Deception Policy Statement"), 103 F.T.C. 174, 176 (1984) (appended to *In re Cliffdale Assocs., Inc.*, 103 F.T.C. 110 (1984)), https://www.ftc.gov/system/files/documents/public_statements/410531/831014deceptionstmt.pdf; FTC Policy Statement on Unfairness ("Unfairness Policy Statement"), 104 F.T.C. 949, 1070 (1984) (appended to *In re Int'l Harvester Co.*, 104 F.T.C. 949 (1984)), https://www.ftc.gov/legal-library/browse/ftc-policy-statement-unfairness; see also 15 U.S.C. § 45(n).
[15] Other relevant laws or regulations enforced by the Commission include the Restore Online Shoppers' Confidence Act ("ROSCA"), 15 U.S.C. §§ 8401–8405, and the Rule Against Unfair or Deceptive Fees (the "Fees Rule"), 16 C.F.R. Part 464. ROSCA prohibits charging consumers for subscriptions without their express informed consent as well as failing to clearly and conspicuously disclose all material terms of the transaction before consumers provide their payment information. The Fees Rule prohibits misleading consumers about fees in the live-event ticketing and short-term lodging industries. In some cases, the potential Section 5 violations identified below may also violate these other legal requirements.

consumer's detriment.[16] An act or practice is unfair if it causes, or is likely to cause, substantial injury to consumers that is not reasonably avoidable by consumers themselves and not outweighed by countervailing benefits to consumers or competition.[17] These principles apply with the same force to personalized pricing as to any other commercial conduct.

Retailers may deceive consumers in violation of Section 5 when they represent, expressly or by implication, that a price is static or widely offered when in fact it is personalized.[18] They may similarly deceive consumers when a consumer reasonably believes that a price for a good or service is static or widely offered, and the merchant fails to disclose that the price is in fact personalized.[19] Such misrepresentations or omissions are likely to be material: consumers who are unaware of personalized pricing cannot take steps to avoid the higher prices that may result from it, such as using a virtual private network or private browsing functionality, choosing a different retailer whose prices are static or widely offered, rather than personalized, or simply declining to complete the transaction.

Similarly, retailers may violate Section 5 when they mislead consumers as to the basis for the personalization of a price or the effect of that personalization. Consumers who reasonably believe that a personalized price is a discount based on their purchase history with that retailer when it is in fact a higher price based on information about their disposable income or their shopping habits with other firms, for example, may be deceived into not taking action to avoid the personalized price. Tricked into forgoing alternative courses of action, misled consumers might suffer the injury of paying a higher price that they could have otherwise avoided.

---

[16] Deception Policy Statement, *supra* note 14, at 176. This test, which "undergird[s] all deception cases," consists of three elements. *Id.* at 175. "First, there must be a representation, omission or practice that is likely to mislead the consumer." *Ibid.* "Second, we examine the practice from the perspective of a consumer acting reasonably in the circumstances," i.e., we ask whether the interpretation of the statement that renders it misleading is reasonable or not. *Ibid.* And "[t]hird, the representation, omission or practice must be a material one" such that it is "likely to affect the consumer's conduct or decision with regard to a product or service" and "injury is likely." *Ibid.* The U.S. courts of appeals have, by and large, adopted these three elements for deception cases. *See, e.g.*, *FTC v. Pukke*, 53 F.4th 80, 104 (4th Cir. 2022); *FTC v. Moses*, 913 F.3d 297, 306 (2d Cir. 2019); *FTC v. E.M.A. Nationwide, Inc.*, 767 F.3d 611, 630–31 (6th Cir. 2014); *FTC v. Lalonde*, 545 F. App'x 825, 837 (11th Cir. 2013); *FTC v. LoanPointe, LLC*, 525 F. App'x 696, 700 (10th Cir. 2013) ("a practice is deceptive if it entails a material misrepresentation or omission that is likely to mislead consumers acting reasonably under the circumstances"); *FTC v. Gill*, 265 F.3d 944, 950 (9th Cir. 2001); *Kraft, Inc. v. FTC*, 970 F.2d 311, 314 (7th Cir. 1992).

[17] 15 U.S.C. § 45(n); *see also* Unfairness Policy Statement, *supra* note 14; *FTC v. Corpay, Inc.*, 164 F.4th 807, 839 (11th Cir. 2026); *FTC v. Neovi, Inc.*, 604 F.3d 1150, 1155 (9th Cir. 2010), amended, No. 09-55093, 2010 WL 2365956 (9th Cir. June 15, 2010) (unfair creation and delivery of unverified checks); *FTC v. Accusearch Inc.*, 570 F.3d 1187, 1193 (10th Cir. 2009).

[18] Examples described herein are not a comprehensive list of potential legal violations related to personalized pricing. Nor are they intended to be definitive statements of the Commission relating to the legality of the identified practices. Instead, they are presented for discussion purposes only.

[19] *See, e.g.*, *FTC v. Colgate-Palmolive Co.*, 380 U.S. 374, 387 (1965) ("It has long been considered a deceptive practice to state falsely that a product ordinarily sells for an inflated price but that it is being offered at a special reduced price, even if the offered price represents the actual value of the product and the purchaser is receiving his money's worth.").

Some personalized pricing practices may also be unfair under Section 5. The higher price paid by a consumer due to personalized pricing may be a substantial injury. Consumers may not reasonably be able to avoid that higher price if the fact or nature of personalization of the price has been concealed by the retailer. For example, consumers may not be able to avoid paying the higher personalized price if they lack the information or tools necessary to, among other things, modify their behavior to avoid triggering higher prices, dispute or correct inaccurate information collected about them that is leading to higher prices, or avoid the collection of that data in the first place. Any benefits to consumers or competition from personalized pricing may also be realized without concealing the fact and nature of the personalized pricing.[20]

Existing regulations of industries where personalized pricing is a well-established practice support the Commission's approach to Section 5 enforcement.[21] For example, the Fair Credit Reporting Act requires that companies notify consumers not only when an adverse action is based on a consumer report (for example, the charging of a higher price), but also of the specific basis for that adverse action.[22] And many state laws regulating the insurance industry require disclosure of the basis for individualized adverse action including, in some cases, the increase in premiums offered to consumers.[23] In each case, disclosure improves consumers' ability to avoid substantial injury from higher prices that may be founded on incorrect data or behavior that consumers can change.

To be effective, personalized pricing disclosures should be clear and conspicuous and include all relevant information, such as the fact that the price is personalized, the basis of that personalization, and the type of data used.[24] Telling a consumer only that he is being shown a

---

[20] The Commission declines at this time to take any position on whether some personalized pricing practices are unfair even when fully disclosed to consumers.

[21] *See* 15 U.S.C. § 45(n) ("In determining whether an act or practice is unfair, the Commission may consider established public policies as evidence to be considered with all other evidence. Such public policy considerations may not serve as a primary basis for such determination.").

[22] 15 U.S.C. § 1681m(a) (requiring that consumers receive an adverse action notice if their consumer reports are used, in whole or in part, to make an adverse decision about eligibility for credit and are also entitled to get a free copy of their consumer report so they can identify and dispute any inaccuracies).

[23] E.g., CAL. INS. CODE §§ 791.02, 791.10 (1981/2013); VA. CODE ANN. §§ 38.2-602, 38.2-602 (1986/2003); WASH. ADMIN. CODE 284-30A (2024).

[24] *Cf. P. Lorillard Co. v. FTC*, 186 F.2d 52, 58 (4th Cir. 1950) ("to tell less than the whole truth is a well-known method of deception"); *FTC v. Standard Educ. Soc.*, 302 U.S. 112, 114 (1937) (holding that it was false, deceptive, and misleading to falsely represent to purchasers that they had been "specially selected" to receive free books and that the price of a "loose leaf extension service" was a "reduced price and that the usual price at which respondents' publications are sold is higher than the price 'at which they are offered to such purchasers'"); Anna Priester et al., *A Special Price Just for You: Effects of Personalized Dynamic Pricing on Consumer Fairness Perceptions*, 19 J. Rev. & Pricing Mgmt. 99, 100 (2020) ("[W]e show that a more granular price individualization level negatively affects consumers' fairness perceptions."), at 108 ("We show that when sellers differentiate prices across individual consumers depending on personal information, consumers deem this pricing practice as less fair than when sellers set prices for different consumer segments based on less uniquely identifying information."); Lan Xia et al., *The Price Is Unfair! A Conceptual Framework of Price Fairness Perceptions*, 68 J. Mktg. 1, 7 (2004) ("When buyers believe that an inequality in an exchange is unacceptable and are upset, disappointed, or regretful (if they believe that there is a better option), they may choose to complain, ask for a refund, spread negative word of mouth, and/or

"specially selected" price, for example, would likely be misleading because it omits important information. Conversely, a clear and conspicuous disclosure that a personalized price is based on a consumer's estimated willingness to pay derived from data about that consumer's previous purchases from the same retailer through the same login account—if accurate and complete—would likely be enough to dispel any reasonable expectation that the posted price is not personalized and give the consumer the information he needs to identify potentially incorrect information, take measures to avoid the personalized price, or avoid the future collection of data for personalized pricing, as well as alert him that it might be in his interest to take such steps.

Data practices associated with personalized pricing may also implicate Section 5. The Commission has long applied Section 5 to protect consumers' data privacy.[25] Businesses that collect, use, or disclose consumers' personal data for the purpose of personalized pricing without adequate disclosures or without obtaining consent may violate Section 5.[26] And businesses that base personalized prices on personal data of consumers without sufficiently verifying that consumers consented to the collection of those data for that purpose may violate Section 5.[27]

To illustrate, below are non-exhaustive examples of scenarios in which personalized pricing without adequate disclosure would raise Section 5 concerns:

- A food delivery company quoting a higher price to consumers on the basis of data personal to those consumers that lead the company to believe they are less likely or unable to leave their homes to purchase food.
- A grocery chain charging a delivery customer a higher price for milk based on data showing that several children live in the customer's household.

---

leave the relationship, depending on their assessment of which action is most likely to restore equity with the least cost.").

[25] *See, e.g.*, Complaint, *In re Lenovo, Inc.*, Docket No. C-4636 (Jan. 2, 2018) (alleging that preinstallation of ad-injecting software that, without adequate notice or informed consent, acted as a man-in-the-middle between consumers and all websites with which they communicated was unfair; and that failure to take reasonable measures to assess and address security risks created by the preinstalled software was unfair), https://www.ftc.gov/system/files/documents/cases/1523134_c4636_lenovo_united_states_complaint.pdf; Complaint, *FTC v. Vizio, Inc.*, No. 2:17-cv-00758 (D.N.J. Feb. 6, 2017) (alleging that collection of sensitive television viewing activity without consent and contrary to consumer expectations, and sharing of such information with third parties, was an unfair practice); Complaint, *In re Aaron's, Inc.*, Docket No. C-4442 (Mar. 11, 2014) (alleging that allowing franchisees to install software facilitating surreptitious collection of private information on rented computers was an unfair practice, and noting that consumers were unable to avoid harm because collection was surreptitious), https://www.ftc.gov/system/files/documents/cases/140311aaronscmpt.pdf; Complaint, *In re Showplace, Inc.*, Docket No. C-4397, (Apr. 15, 2013) (alleging that rent-to-own store's use of monitoring and tracking software installed on rented computers was an unfair practice), https://www.ftc.gov/sites/default/files/documents/cases/2013/04/130415showplacecmpt.pdf.

[26] *See, e.g.*, Concurring and Dissenting Statement of Commissioner Andrew N. Ferguson, In re Gravy Analytics, Inc. & In re Mobilewalla, Inc., Matter Nos. 2123035 & 2023196 (Dec. 3, 2024). https://www.ftc.gov/system/files/ftc_gov/pdf/gravy_-mobilewalla-ferguson-concurrence.pdf (concurring in holding a company liable for "collecting, using, and selling precise location information without sufficiently verifying that the consumers who generated the data consented to the collection of those data by the applications that collected it").

[27] *Id.*

- A hotel charging a higher price to a consumer on the basis of data personal to that consumer leading the hotel to believe that the consumer is traveling for a funeral or some other can't-miss personal business.
- A rideshare company charging a user more on the basis of data revealing that the user has not installed any of the company's competitors' apps on the user's phone.
- A rideshare company charging a user more for transport to a medical facility on the basis of data suggesting that the user has a life-threatening medical emergency or condition.
- A retailer charging more for a home-security camera system based on court filings indicating a particular customer has recently been the victim of a crime.
- A retailer charging more for a product sold on its website on the basis of data revealing that the consumer is inside one of the retailer's physical locations or parking lots at the time of browsing the retailer's website.

This Policy Statement elaborates on principles adopted by the Commission in individual cases and rules over the course of many years. This Policy Statement does not confer any rights on any person and does not operate to bind the FTC or the public. In any enforcement action, the Commission must prove the challenged act or practice violates at least one existing statutory or regulatory requirement.

* * *

The Commission will use all tools at its disposal to protect consumers. It will continue to monitor the deployment of personalized pricing and will not hesitate to bring enforcement actions in the public interest when it has reason to believe the law is being violated.