

April 2, 2025

To: Consumer Financial Protection Bureau
1700 G Street NW
Washington, DC 20552

Dear Acting Director Vought,

We write to express our support for the Consumer Financial Protection Bureau's (CFPB) proposed rulemaking on protecting Americans from harmful data broker practices, and we hope that the CFPB moves toward a final rule. Doing so will establish accountability for the burgeoning data broker industry that is powering the abuse of people's personal information. It will help provide much-needed protections for the public when widespread access to their data is at an all-time high, which presents very real harms to people's personal and financial well-being.

Data brokers have been exploiting their ability to share and sell, essentially without restriction, consumers' financial data, location data, health data, personal identifiers, online activity, and other private information. This data is packaged in ways that help buyers identify vulnerable targets for a variety of purposes. For instance, the information supplied by data brokers has been used to infer people's income level and target predatory loan offers to consumers in financial distress¹; to infer people's health conditions for purposes of delivering drug advertisements or determining insurance coverage²; or to arbitrarily deny housing, employment, or financial opportunities based on discriminatory disqualifying factors.³ The information is also made available to any buyer looking to carry out fraud and identity theft against older adults,⁴ or to harass and threaten domestic violence survivors or government employees.⁵

¹ Colin Lecher and Ross Teixeira, *Mortgage Brokers Sent People's Estimated Credit, Address, and Veteran Status to Facebook*, The Markup (May 15, 2024), <https://themarkup.org/pixel-hunt/2024/05/15/mortgage-brokers-sent-peoples-estimated-credit-address-and-veteran-status-to-facebook>.

² Joanne Kim, *Data Brokers and the Sale of Americans' Mental Health Data*, Duke University Sanford Cyber Policy Program (2023), <https://techpolicy.sanford.duke.edu/data-brokers-and-the-sale-of-americans-mental-health-data/>.

³ Lauren Kirchner and Matthew Goldstein, *Access Denied: Faulty Automated Background Checks Freeze Out Renters*, The Markup (May 28, 2020), <https://themarkup.org/locked-out/2020/05/28/access-denied-faulty-automated-background-checks-freeze-out-renters>.

⁴ Kurt Knutsson, *How Data Brokers Are Fueling Elder Fraud in America*, Fox News (Oct. 3, 2024), <https://www.foxnews.com/tech/how-data-brokers-fueling-elder-fraud-america>.

⁵ Justin Sherman, *People Search Data Brokers, Stalking, and 'Publicly Available Information' Carve-Outs*, Lawfare (Oct. 30, 2023), <https://www.lawfaremedia.org/article/people-search-data-brokers-stalking-and-publicly-available-information-carve-outs>.

It has become practically impossible for people on their own to prevent these harms as people's economic participation and social connection and companies' business grow increasingly digitized. For example, employment background checks now often involve information that data brokers obtain from prior employers in combination with other publicly available data,⁶ and many employers are also adopting more technologies developed by vendors without ensuring that employee data accessed through those technologies is not then repurposed or shared with other third parties.⁷ Workers have limited ability to challenge their employers' handling of data when doing so could have consequences for their continued employment.

The burdens posed by widespread data sharing are also of particular concern for disabled people as more companies obtain health, genetic, and location data, and browsing activity through sources such as mental health apps and websites,⁸ social media platforms, connected services used in cars, and personal devices.⁹ These types of services and products can be a useful source of support or critical information for people with disabilities, but data collected from these services and products may be shared with third parties such as insurance companies and advertisers who exploit it for their profit.¹⁰

The CFPB's proceeding would help address these harms by determining how the Fair Credit Reporting Act (FCRA) applies to data brokers and make clear that data brokers trafficking in financial and related data must comply with FCRA. For instance, the rule proposal would clarify what types of data would be subject to FCRA protections when held by data brokers; prevent this highly personal and private data from being collected for credit reporting purposes but then subsequently used for marketing purposes; and require data brokers to be more transparent and allow consumers to revoke consent for certain uses of their credit reports.

[e-outs](#); Suzanne Smalley, *New Jersey Law Enforcement Officers Sue 118 Data Brokers For Not Removing Personal Info*, *The Record* (Feb. 13, 2024), <https://therecord.media/new-jersey-law-enforcement-sues-data-brokers>.

⁶ Chris Chmura, *A Data Broker Has Millions of Workers' Paystubs; See If They Have Yours*, *NBC Bay Area* (Feb. 9, 2022),

<https://www.nbcbayarea.com/investigations/consumer/data-brokers-have-millions-of-workers-paystubs-see-if-the-y-have-yours/2806271/>.

⁷ Ellen Sheng, *Employee Privacy in the US is At Stake As Corporate Surveillance Technology Monitors Workers' Every Move*, *CNBC* (Apr. 15, 2019),

<https://www.cnn.com/2019/04/15/employee-privacy-is-at-stake-as-surveillance-tech-monitors-workers.html>.

⁸ Thomas Germain, *Mental Health Apps Aren't All as Private as You May Think*, *Consumer Reports* (Mar. 2, 2021), <https://www.consumerreports.org/health-privacy/mental-health-apps-and-user-privacy-a7415198244/>.

⁹ Jen Caltrider, Misha Rykov, and Zoë MacDonald, *It's Official: Cars Are the Worst Product Category We Have Ever Reviewed for Privacy*, *Mozilla Foundation* (Sept. 6, 2023),

<https://foundation.mozilla.org/en/privacynotincluded/articles/its-official-cars-are-the-worst-product-category-we-have-ever-reviewed-for-privacy/>; Christian J. Rozolis, *The Issues of Disability Inference in the Personal and Consumer Data Ecosystem*, *40 Berkeley Tech Law Journal* 285 (2025),

https://btlj.org/wp-content/uploads/2025/03/40-1_Rozolis.pdf.

¹⁰ Thorin Klosowski, *We Checked 250 iPhone Apps – This is How They're Tracking You*, *Wirecutter* (May 6, 2021), <https://www.nytimes.com/wirecutter/blog/how-iphone-apps-track-you/>.

The CFPB should advance this rulemaking proceeding in a timely manner to help curtail the harms caused by the data broker industry. Consumers cannot afford to wait – without regulations to effectively rein in data brokers, consumers are at more risk than ever.

Signed,

Center for Democracy & Technology

Coworker

Deaf Equality

Disability Rights Education and Defense Fund

National Employment Law Project

New Disabled South

Open MIC

Tzedek DC