

Data Privacy

The Problem for Consumers

Consumers are ubiquitously tracked both online and off, while detailed insights into their most personal characteristics—including health conditions, political affiliations, immigration status, precise geolocation, and religious beliefs—are shared with innumerable third-parties. At the same time, consumers' personal information is increasingly being used against them in ways that they have very little insight into, let alone the ability to control or stop.

For example:

- Several major auto manufacturers were found to have secretly collected consumer driving behavior¹ and shared it with insurance companies that used it, in some cases, to increase consumers' premiums without their awareness.
- A CR investigation found that Kroger compiles extensive (and often inaccurate) profiles of consumers through its loyalty program that affect the targeted discounts that consumers receive.²
- Several data brokers³ were recently caught selling lists of consumers who visited sensitive locations, such as religious facilities, hospitals, or political protests. In addition, Congress' Joint Economic Committee released a report linking just four recent individual data broker data breaches to over \$20 billion in losses to consumers.⁴ The true overall cost to consumers is likely much higher.
- Other advertising companies sell lists of consumers sorted by characteristics like "Rural and Barely Making It" and "Credit Crunched: City Families," which can be used to target individuals most likely to be susceptible to scams or other predatory financial products.

¹ Kashmir Hill, *Automakers Are Sharing Consumers' Driving Behavior With Insurance Companies*, New York Times, (March 13, 2024),

<https://www.nytimes.com/2024/03/11/technology/carmakers-driver-tracking-insurance.html>

² Derek Kravitz, *Inside Kroger's Secret Shopper Profiles: Why You May Be Paying More Than Your Neighbors*, Consumer Reports, (May 21, 2025),

<https://www.consumerreports.org/money/questionable-business-practices/kroger-secret-grocery-shopper-loyalty-profiles-unfair-a1011215563/>

³ See, e.g., Federal Trade Commission, *FTC Takes Action Against Gravy Analytics, Venntel for Unlawfully Selling Location Data Tracking Consumers to Sensitive Sites*, (December 3, 2024),

https://www.ftc.gov/system/files/ftc_gov/pdf/2123035gravvanalyticscomplaint.pdf

⁴ United States Joint Economic Committee, Minority Report, Ranking Member Senator Maggie Hassan, *Opt-Out Obstacles: Concerning Practices by Registered Data Brokers and the Multi-Billion-Dollar Cost of Breaches*, (February 2026),

https://www.jec.senate.gov/public/_cache/files/7f821956-d826-4241-8196-be987cc1f06c/2026-02-27-jec-data-brokers-report-final.pdf

Consumer Reports' Positions

CR supports strong comprehensive state privacy laws that include: the principle of data minimization, default protections against harmful uses of data, universal opt-outs, enhanced protections for sensitive data, and robust enforcement via a private right of action.

CR has also developed several pieces of **model legislation** that have been introduced in states around the country, including:

- The State Data Privacy Act—a model comprehensive privacy law, based on the Connecticut Data Privacy Act (CTDPA) that addresses many of the loopholes of that model identified by regulators, consumers, and advocates.⁵
- The State Location Privacy Act—legislation that would ban the sale of consumers' precise geolocation data.⁶ CR has helped several states pass similar bans in recent years, including in Oregon, Virginia, and Maryland.
- The Delete Act—CR has worked with legislators around the country to adapt California's groundbreaking Delete Act for their state. The Delete Act allows consumers to delete their personal information from all of the state's registered data brokers in a single click.

CR has also worked closely with states—including California, Delaware, Maine, Massachusetts, New Mexico, Vermont, and Washington that have sought to ban or highly restrict the sale of consumers' sensitive information. Several of these efforts were signed into law in recent years, representing a growing trend of states opting to simply prohibit harmful business practices by default. CR also supports legislation that moves beyond the legal fiction of "informed consumer consent" and instead places the burden of privacy protection where it properly resides—with businesses themselves.

For more information contact Matt Schwartz at matt.schwartz@consumer.org.

⁵ The State Data Privacy Act: A Proposed Compromise by Consumer Privacy Advocates, https://advocacy.consumerreports.org/wp-content/uploads/2024/09/EPIC_CR-CT-CLEAN-April-3-FINAL.pdf.

⁶ Consumer Reports State Location Privacy Act, <https://advocacy.consumerreports.org/wp-content/uploads/2026/01/State-Location-Privacy-Act.docx-1.pdf>

About Consumer Reports

Founded in 1936, CR is on a mission to create a fair and just marketplace for all. Widely known for our rigorous research and testing of products and services, we also survey millions of consumers each year, report extensively on marketplace issues, and advocate for consumer rights and protections around safety, digital rights, financial fairness, and sustainability. CR is independent and nonprofit.