



July 16, 2020

The Honorable Sonny Perdue
Secretary of Agriculture
U.S. Department of Agriculture
Jamie L. Whitten Federal Building
1400 Independence Avenue, SW
Washington, DC 20250

Dear Secretary Perdue:

As leading consumer, civil rights, and public health organizations, we are writing to share recent research with you about online privacy and marketing harms to participants in the SNAP Online Purchasing Pilot, which likely contribute to and may exacerbate disparities in racial and health equity. We urge the USDA to strengthen its safeguards immediately, and to extend them to the full program.

Our request is based on a new [study](#) by the Center for Digital Democracy (CDD), which finds that leading online grocery and e-commerce companies participating in the pilot -- including Walmart, Amazon, Fresh Direct, Safeway/Albertson's -- are engaged in extensive data profiling, and deploying geolocation tracking, artificial intelligence, machine learning, and behavioral science techniques to track and target consumers, promote unhealthy products, and trigger impulsive purchases. Most of these operations are largely invisible, and CDD's analysis of the companies' privacy policies reveals that they fail to protect consumers from these data collection, targeting, and predatory marketing practices.

This matter is especially urgent as the pilot continues to roll out across the country in the midst of the current COVID-19 health crisis. More and more SNAP participants are now having to order their groceries online to reduce their risk of exposure to the coronavirus, which, as you know, is infecting people of color at particularly high levels. Yet, unless the USDA establishes meaningful and effective safeguards for the online ordering program, individuals and their families who need SNAP could face increased threats to their privacy and health.

We urge the USDA to work with state officials and industry groups, as well as with representatives from the consumer, privacy, civil rights, public health, food security, and academic communities to upgrade its current requirements for participating retailers in the SNAP

online purchasing program, and to develop a framework of principles and best practices that is grounded in an understanding of the contemporary ecommerce, retail, and digital marketplace. We recommend the following key elements of such a framework:

- Require participating retailers to adhere to a granular set of safeguards for limiting not only what kinds of data can be collected from individuals, but also how that information can be used and shared with third parties.
- Rather than allowing each merchant to develop its own privacy policy, require a uniform format, mandate clarity of language, and articulate specific data and consumer protections.
- Forbid the use of techniques that take advantage of consumers' psychological vulnerabilities, or employ manipulative practices designed to foster impulsive behavior.
- Require merchants to conduct ongoing impact assessments of high-risk data practices, particularly as they relate to the marketing of unhealthy foods and beverages.
- Build into its merchant-approval process a much stronger and ongoing oversight and enforcement mechanism.
- Conduct a formal assessment of the disparate impacts of its privacy and marketing requirements and participating company practices on various populations, and make corrections where necessary.
- Require participating retailers to prioritize healthier products in their ecommerce and online promotion efforts, discounts, and coupons.
- Facilitate the participation of smaller, independent retailers, farmers markets and other local produce suppliers.

We plan to share the report and its recommendations with Congress, asking lawmakers to conduct oversight hearings for the SNAP online purchasing program.

We look forward to discussing this further with you and other USDA representatives.

Sincerely,

Berkeley Media Studies Group

Center for Digital Democracy

Color of Change

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