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## **ACLU OF RI POSITION: SUPPORT**

### **TESTIMONY ON 26-S 2428, AN ACT RELATING TO DECEPTIVE TRADE PRACTICES March 24, 2026**

The ACLU of Rhode Island supports this legislation, which would prohibit algorithmic price increases for online purchases, commonly referred to as “surveillance pricing.”<sup>1</sup>

Surveillance pricing occurs when companies use data, like a person’s precise geolocation, purchase history, or browser history, to charge consumers different prices for the same goods and services. For example, imagine an individual’s family member living in another state has passed away and they begin searching online for flights to attend their funeral services. Based on the individual’s search terms, geolocation data, and a broader collection of information the airline has about them, the algorithm can infer that there is an urgent need for this flight. As a result, the system may automatically increase the airline ticket price for this individual, as compared to other consumers who are not flagged as being in the same position.

This issue is not merely restricted to airlines. A 2025 report from the Federal Trade Commission noted that “retailers frequently use people’s personal information to set targeted, tailored prices for goods and services – from a person’s location and demographics, down to their mouse movements on a webpage.”<sup>2</sup> Not only does this phenomenon encourage retailers to continually use sensitive personal information about a person to treat everyone differently, but it relies on the extensive surveillance of consumers’ online lives and encourages the collection of vast swaths of information about consumers. This type of pricing practice can only encourage broader and more intrusive invasions of privacy, making legislation like this an important method of halting the proliferation of this invasive activity.

Thank you for considering our views.

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<sup>1</sup> We have no position on the bill’s further regulation of so-called “dynamic pricing.”

<sup>2</sup> <https://www.ftc.gov/news-events/news/press-releases/2025/01/ftc-surveillance-pricing-study-indicates-wide-range-personal-data-used-set-individualized-consumer>