

The Regulatory Divide on Data and Pricing

09.02.26

Hi there - welcome back to the *Regulatory Check-In*!

This week: California moves to curb website tracking lawsuits and expand data privacy protections, the UK's hidden-fee crackdown turns its attention to travel, the FTC invites public comment on personalized pricing enforcement, and a rollback of airline fare transparency rules could change how travelers see ticket prices.

Calif. Passes Bills To Limit Tracking Suits, Boost Privacy: California lawmakers have sent the governor two packages: one blocking private litigants from bringing website tracking lawsuits under the state's wiretap law (CIPA), and a separate pair expanding protections under the California Consumer Privacy Act (CCPA). The tracking bill matters for hospitality. CIPA's private right of action allows plaintiffs to recover \$5,000 per violation without showing actual harm, and they've been using it to characterize ordinary website technologies (e.g., analytics scripts, retargeting pixels, chat tools, session-replay software) as illegal wiretaps. If signed, this bill would shut down that class-action pipeline for any company with a consumer-facing website. But it would not make website tracking unregulated. The California AG has already treated ad and analytics trackers as CCPA compliance issues (including citing hospitality loyalty programs specifically) and the CCPA expansion bills push those obligations further. Less exposure from private CIPA lawsuits, more regulatory attention on tracking, loyalty data, and vendor contracts under the CCPA.

The UK's Hidden-Fee Crackdown Is Coming for Travel: The UK's Competition and Markets Authority (CMA) has new direct enforcement powers under the Digital Markets, Competition and Consumers Act 2024, and it's worth comparing to the FTC's junk fee rule. The FTC's rule targets lodging and live-event ticketing specifically and is enforced through courts. The CMA's framework is broader - all consumer-facing industries, administrative enforcement without court proceedings, and fines up to 10% of global turnover. The CMA's powers apply to practices directed at UK consumers regardless of where the business is based, so non-UK hotels with UK properties, booking partners, or a significant UK customer base are within reach. If your pricing relies on drip-disclosed fees, pressure-test it against both frameworks.

FTC Seeks Comment on Personalized Pricing Enforcement: The FTC has announced it is seeking public comment on an enforcement policy statement regarding personalized pricing - the practice of using personal data to set prices tailored to individual consumers. This continues the surveillance-pricing wave we've been tracking across New York's One Fair Price Act, New Jersey's grocery pricing ban, and the broader state-level push against data-driven pricing. A formal FTC enforcement posture would add a federal layer on top of the patchwork of state laws already emerging. Companies using dynamic or

personalized pricing models should be paying close attention to the comment period and any resulting enforcement guidance.

Harder to See the Full Price of a Plane Ticket: Airline fare transparency just took a step backward. In 2024, DOT issued a rule requiring airlines to display specific baggage, change, and cancellation fees upfront in search results. Airlines sued, the Fifth Circuit vacated the rule on APA grounds in February 2026, and DOT has now reverted to the weaker 2011 standards. The core full-fare rule (requiring the advertised ticket price to include all mandatory taxes and fees) remains intact, but ancillary fees that can significantly inflate the total cost are no longer required to appear when travelers first compare flights. This runs counter to the all-in pricing trend everywhere else. Airlines moving backward on fee disclosure while hotels are being pushed forward creates a real tension for OTAs displaying both products on the same page. Worth watching.

Until next time.

[Calif. Passes Bills To Limit Tracking Suits, Boost Privacy](#)

August 31, 2026 via Law360

California lawmakers have sent to the governor's desk legislation that would block private litigants from bringing website tracking lawsuits under a key provision of the state's wiretap law, as well as a separate pair of bills to expand protections under the state's data privacy law.

[The UK's Hidden-Fee Crackdown Is Coming for Travel](#)

August 20, 2026 via Skift

An investigation isn't a verdict, but the UK regulator no longer needs a court to reach one, and it can fine a company up to 10% of global turnover once it does. The travel industry will be watching very closely.

[FTC Seeks Comment on Enforcement Policy Statement Regarding Personalized Pricing](#)

August 19, 2026 via U.S. Federal Trade Commission

The Federal Trade Commission today announced it is seeking public comment on an enforcement policy statement regarding personalized pricing, which is the use of personal data to set prices according to the amount that ...

[It Soon Could be Harder to See the Full Price of a Plane Ticket. Here's Why](#)

August 14, 2026 via Los Angeles Times

Travelers are accustomed to seeing an all-inclusive price for airfare when browsing flights online, but they may soon need to read the fine print before purchasing as Washington is trying to change disclosure requirements.

Posted in [The Regulatory Check-In](#)

Authored by

[Melia A. Preedy](#)

[Counsel|Seattle](#)

[206.816.1335](tel:206.816.1335) melia.preedy@foster.com