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FTC Issues Report on Mobile Privacy

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On February 1, the FTC released a comprehensive report titled "Mobile Privacy Disclosures: Building Trust Through Transparency. As its title suggests, many of the recommendations in the report target mobile privacy issues. For example, the FTC report highlights the challenges of delivering privacy and data usage notices on small screens as well as the need for smartphones and providers to include Do Not Track (DNT) options for consumers. The report recommends that platforms use their leverage to encourage or require app developers to provide "just-in-time" disclosures to end users and require that apps obtain affirmative consent before geolocation options can be turned on or activated by an app. The report also calls for platforms to develop a "privacy dashboard" approach that allows consumers to review their privacy and data selections and change them after they have installed an app. The FTC does note that some platform owners such as Google (Android) and Apple (iOS) already have some form of a privacy dashboard in place. The report emphasizes that transparency is key. When announcing the report, FTC Chairman Jon Leibowitz said: "Say what you'll do, don't mislead, and safeguard the data." This sentiment echoes the general message of the FTC report, which should be interpreted as a soft warning by the FTC that it is focusing on the mobile space with stepped-up enforcement measures. If your organization has a mobile app available on any platform, you should be aware of the FTC report and that your privacy disclosures, data collection, and safeguarding policies will be under increased scrutiny, both by the platform you rely on to distribute your app, and by federal and state regulators. Apps for banks, retailers, and insurance companies are among the most commonly downloaded apps on both the iOS and Android platforms. Companies that provide apps on any platform in the mobile space should be aware of this report and how it will impact their business and ability to offer mobile services to their customers. Carlton Fields has the experience and expertise to help our clients develop quality data collection and privacy policies and practices to meet industry standards and stay ahead of regulation.

Related Practices

Cybersecurity and Privacy