

Morrison & Foerster Client Alert.

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FTC to Host Workshop Exploring Privacy Implications of Comprehensive Collection of Internet Users' Data

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The Federal Trade Commission (the "FTC") announced on October 15, 2012, that it will hold a workshop on December 6, 2012, in Washington, DC, to explore the practices and privacy implications of comprehensive collection of Internet users' data.¹ The workshop will be free and open to the public. Individuals and organizations may submit requests to participate as panelists and recommend topics for inclusion on the agenda no later than November 2, 2012.

The announcement follows a promise that the FTC made in its March 2012 [Privacy Report](#) to hold a workshop dedicated to the issues raised by entities that have the ability to collect data about computer users across the Internet, without necessarily having a direct interaction with them.² According to the FTC's October 15 press release announcing the workshop, such entities could include ISPs, operating systems, browsers, search engines, social media, and mobile carriers. Some or all of these entities, according to the Commission, may have access to large amounts of consumer data and therefore be in a position to develop detailed and comprehensive profiles—and to do so in a way that may be invisible to consumers.

It is interesting to note that the workshop will address social media and mobile carriers, neither of which was addressed in the Privacy Report's foreshadowing of this event just a few months ago.

The workshop is intended to bring together a range of individuals from consumer protection organizations, academia, and business, to address such topics as:

- The methods used to collect data about consumers' activities across the Internet;
- The benefits and possible privacy challenges of comprehensive data collection;

¹ See <http://www.ftc.gov/opa/2012/10/collection.shtm> at pp. 55-57.

² The privacy report is entitled *Protecting Consumer Privacy in an Era of Rapid Change*, and it is available at <http://www.ftc.gov/os/2012/03/120326privacyreport.pdf>. See also *FTC Releases Final Privacy Report Outlining Best Practices and Expressing Support for Baseline Privacy Legislation* at <http://www.mofo.com/files/Uploads/Images/120403-FTC-Final-Privacy-Report.pdf>.

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Client Alert.

- Which entities are capable of comprehensive data collection and which are engaged in it;
- Consumers' awareness of and attitudes toward comprehensive data collection;
- How consumers could be effectively informed of, and have choice with respect to, comprehensive data collection;
- The privacy risks associated with serving as a host for third-party applications;
- Whether there are sufficient choices among online products and services, such that consumers have meaningful options if they wish to avoid comprehensive data collection; and
- The legal protections that exist in this area and whether additional protections should be provided.

It is not clear what the outcome of the workshop will be, but if it follows recent FTC practice, the result will be a staff report, endorsed by the Commission, highlighting privacy issues associated with such comprehensive collection of data and offering "best practices" to address them.

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