
FCC Forum to Focus on Privacy Issues With Location-Based Services, Cell Phone Tracking

by Lauren Lynch Flick and John L. Nicholson

A unique interagency initiative with the FTC will bring together experts in both the technical aspects of location-based services and the privacy concerns raised by LBS on June 28, 2011. Interested parties may file comments to be incorporated in a staff report to the Commission until July 8.

When the Federal Communications Commission released its National Broadband Plan in March 2010, it recommended that the FCC and the Federal Trade Commission form a joint task force to consider and address consumers' online privacy concerns, which the plan acknowledged could negatively impact consumer adoption of broadband and the success of the plan. That task force was established last summer and has been meeting quietly behind closed doors. In light of the revelations that popular smart devices have been tracking and retaining data about their users' whereabouts, the task force is going public.

On May 17, the FCC announced that its Wireless Telecommunications Bureau, which regulates wireless telecommunications carriers and aspects of the cell towers that are instrumental to their ability to track mobile device users, will host a "public education" forum that will "explore how consumers can be smart and secure when realizing the benefits of Location Based Services (LBS)."

The FCC has assembled representatives from telecommunications and technology companies, consumer advocacy groups and academia for a full-day event. The topics to be addressed include:

- How LBS works;
- Benefits and risks of LBS;
- Consumer do's and don'ts;
- Industry best practices; and
- What parents should know about location tracking when their children use mobile devices.

Following the forum, the FCC's staff will issue a report to the Commission, which could become the basis for regulation in this area. The FCC is accepting comments from the public regarding these issues and will continue to do so until shortly after the forum.

The FCC's Public Notice announcing the initiative acknowledges that LBS has become an important driver of economic growth over the past few years. It notes the great potential these services hold to meet many consumer needs, from mere convenience to personal safety. Echoing the National Broadband Plan, as well as recent FTC and Department of Commerce studies, the Public Notice states that consumer education is needed with respect to these services to achieve the greatest adoption and utilization of broadband and mobile devices, which is a central goal of the plan.

Pillsbury's Communications practice group will monitor the forum and resulting staff report. Interested parties may submit comments until July 8, 2011, for consideration by the FCC's staff as it drafts the report.

If you have any questions about the content of this alert, please contact the Pillsbury attorney with whom you regularly work, or the authors of this alert.

Lauren Lynch Flick ^(bio)
Washington, DC
+1.202.663.8166
lauren.lynch.flick@pillsburylaw.com

John L. Nicholson ^(bio)
Washington, DC
+1.202.663.8269
john.nicholson@pillsburylaw.com

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