

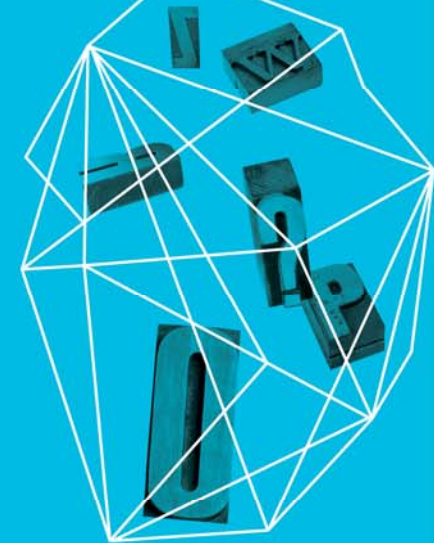
2012 – The Year of Geolocation Privacy: Where are Law and Policy Headed?

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Security in
knowledge



Where's Waldo?



Where Are You ...

Visual Detection/Trailing

- Human



- Cameras

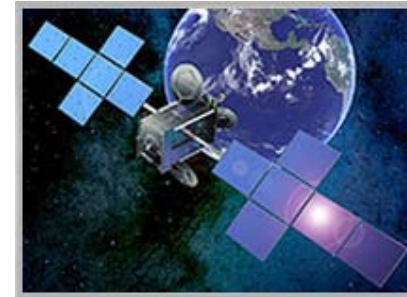
(still, video, automatic, High speed)



- Aircraft



- Satellite



Google captures drunken man passing out on curb



Where Are You ... Electronic Detection Trailing

- Radio transmitter



- Cell Sites



- Wi-Fi



- GPS

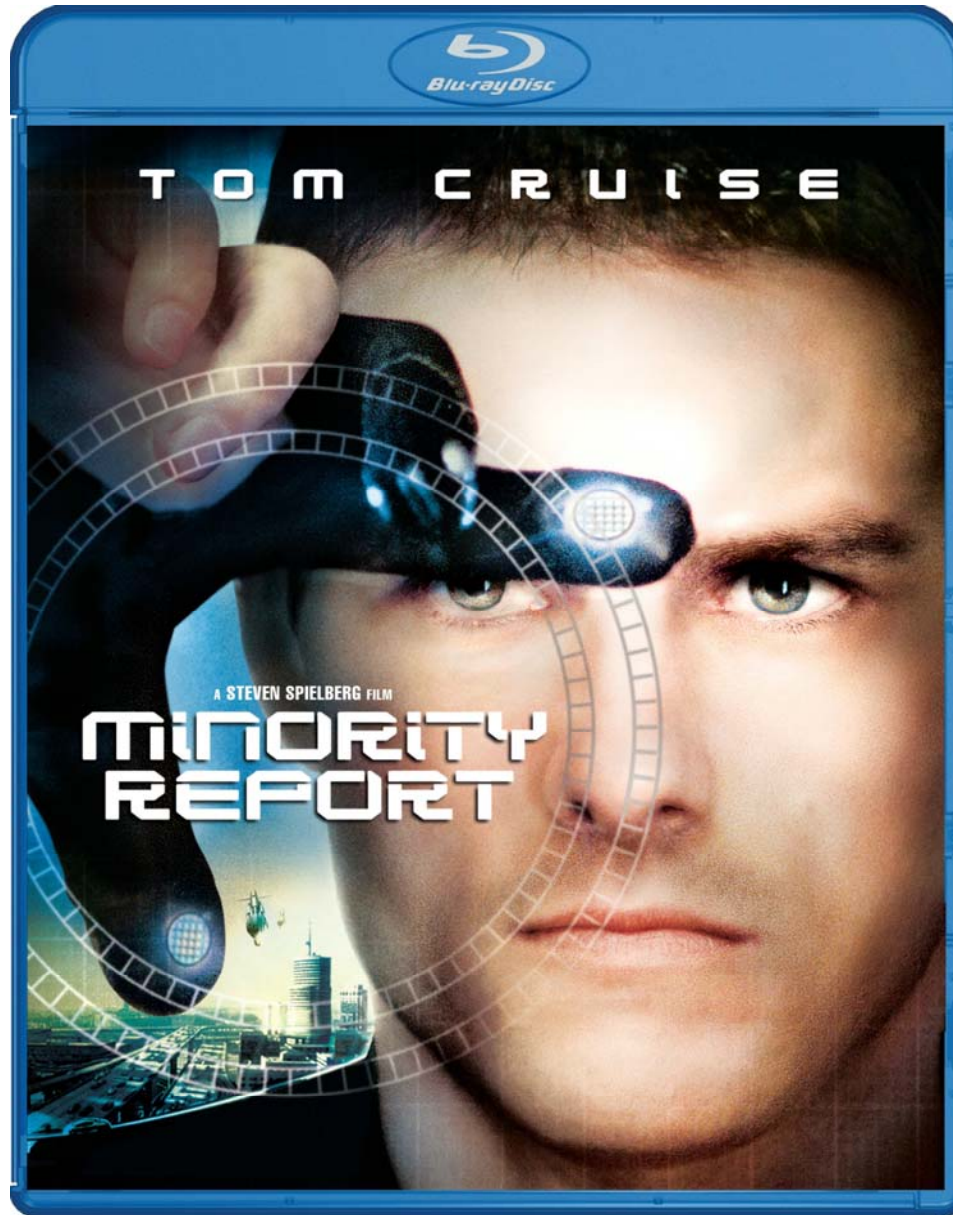


**Carrier IQ faces federal probe
into allegations software
tracks cellphone data ... 12.14.11**

**Tracking-Software
Maker Stirs Phone-
Privacy Fears ... 12.2.11**

— Do We Care? Should We?

- Benefits
- Costs
- ? Difference between knowing
 - Where you are **vs**
 - Where you have been **vs**
 - Where you will be



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— Privacy From Whom?

- The Government
- Private parties (“commercial” privacy)

Fourth Amendment

“The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated.”

... how does that cover location privacy?

—

Out With the Old (Theory) In With the New? -- Courts Split --

- From physical invasion (trespass)
- To “reasonable expectation of privacy” (place)
- To mosaic (aggregation of information)

Factors to Consider?

- Length of time info collected/retained
- How location determined
- Specificity of location
- Ease/cost of collection
- Info combined (data mined)
- Why collected
- Location voluntarily disclosed to third party

Supreme Court Rules in U.S. v. Jones (January 2012)

- Facts
- 5:4 ruling
- Majority (Scalia) – Trespass, defers bigger questions
- Concurring (Sotomayor) – court needs to address
- Minority (Alito) – asks Congress to resolve

— “Commercial Privacy”

- U.S. Legislation
- FTC Action
- New EU Privacy Directive

— Is U. S. Legislation Likely?

- Congressional line up
 - Leahy
 - Goodlatte
- “Do Not Track” Legislation
- Broader privacy legislation (EPCA reform)
- Conditions ripe for action?
 - Consumer concern
 - Business interests

FTC Action

- Obama Administration “Consumer Privacy Bill of Rights”
- FTC Reports
- HTC Enforcement Action

HTC smartphone maker settles U.S. software security case

Fri, Feb 22 2013

WASHINGTON (Reuters) - HTC America, which makes smartphones and tablets that use Android and Windows software, will settle a U.S. regulator's charges it failed to take adequate steps to eliminate security flaws that put millions of users' data at risk.

The Federal Trade Commission said on Friday that HTC America, a subsidiary of HTC Corp in Taiwan, made millions of phones with programming flaws that allowed third-party applications to evade Android's permission-based security model.

EU Privacy Directive

- Recent opinion (2011) on EU Data Privacy Directive clarifies that:
 - Geolocation data from a mobile phone or device is personal data
 - As personal data, user's prior informed consent should be required annually for use of data

Questions?

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