

ALERT

Commerce Department Initiates Process for Developing Privacy Codes of Conduct

March 2, 2012

On February 24, we alerted our clients that the White House had announced a Consumer Privacy Bill of Rights, which could impact online advertising practices and associated revenues. The Obama Administration will encourage the private sector to implement the Bill of Rights voluntarily through codes of conduct. Companies have an opportunity to participate in the development of such codes of conduct.

The National Telecommunications and Information Administration (NTIA) is now seeking comment on how to facilitate the development of these voluntary, legally-enforceable codes of conduct. NTIA seeks input into numerous topics, including:

- How to implement the Transparency principle (that consumers should be able to easily identify how companies are using their personal information) as it applies to mobile apps;
- The use of multiple technologies, including browser cookies and browser cache, to collect personal data; and
- How to apply the Consumer Privacy Bill of Rights to services including mobile apps providing location-based services, cloud computing services, online services directed to teenagers and online services directed to children.

NTIA also seeks comment on procedural issues.

While the codes of conduct ultimately adopted through this process will be legally-binding, they will only bind companies that opt-in and affirmatively agree to abide by the codes. Nevertheless, companies that are interested in shaping privacy standards in these and other areas should consider participating.

Authors

Kathleen A. Kirby
Partner
202.719.3360
kkirby@wiley.law
Ari Meltzer
Partner
202.719.7467
ameltzer@wiley.law

Practice Areas

Media
Privacy, Cyber & Data Governance
Telecom, Media & Technology

Comments are due 20 days after the request for public comments is published in the Federal Register.