

RSA® Conference 2016

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Where You Are Is Who You Are: Legal Trends in Geolocation Privacy & Security



Connect to
Protect

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- Does sharing geolocation info protect us?
- What? Who? Why?
- Risk avoidance =
 - Reviewing/updating Policies & Contracts & Training
- U.S. v. Global Laws

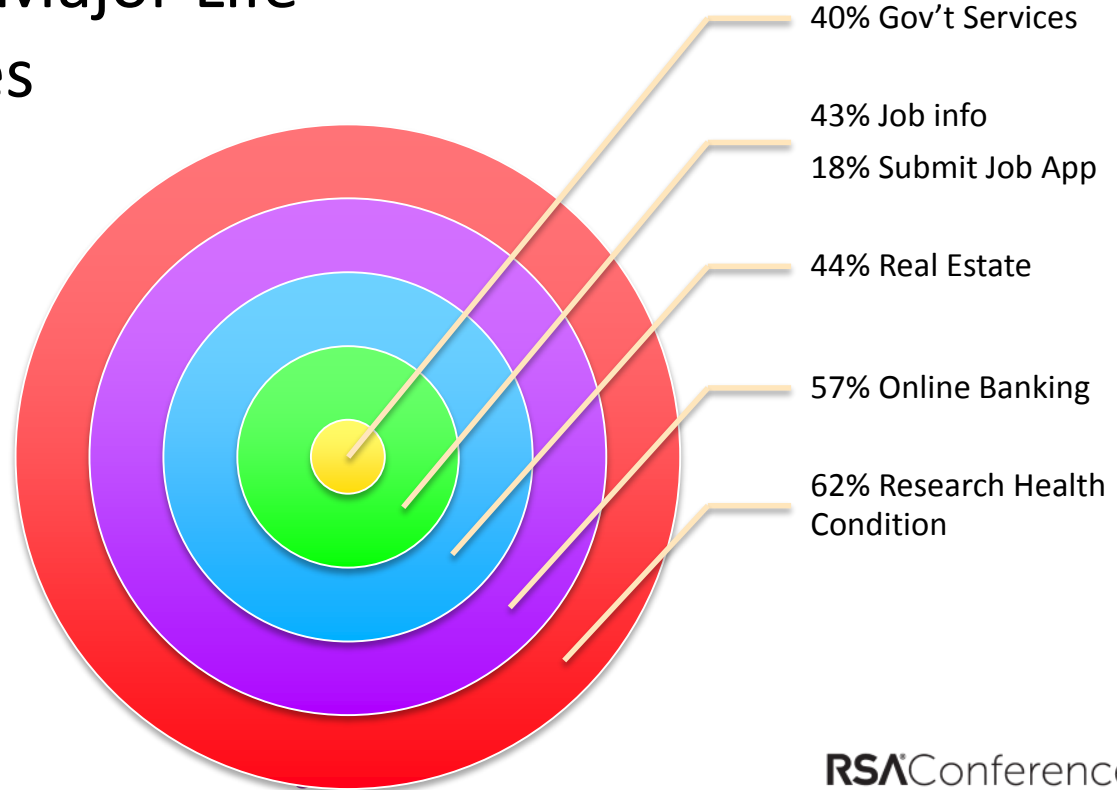


Internet use is changing!



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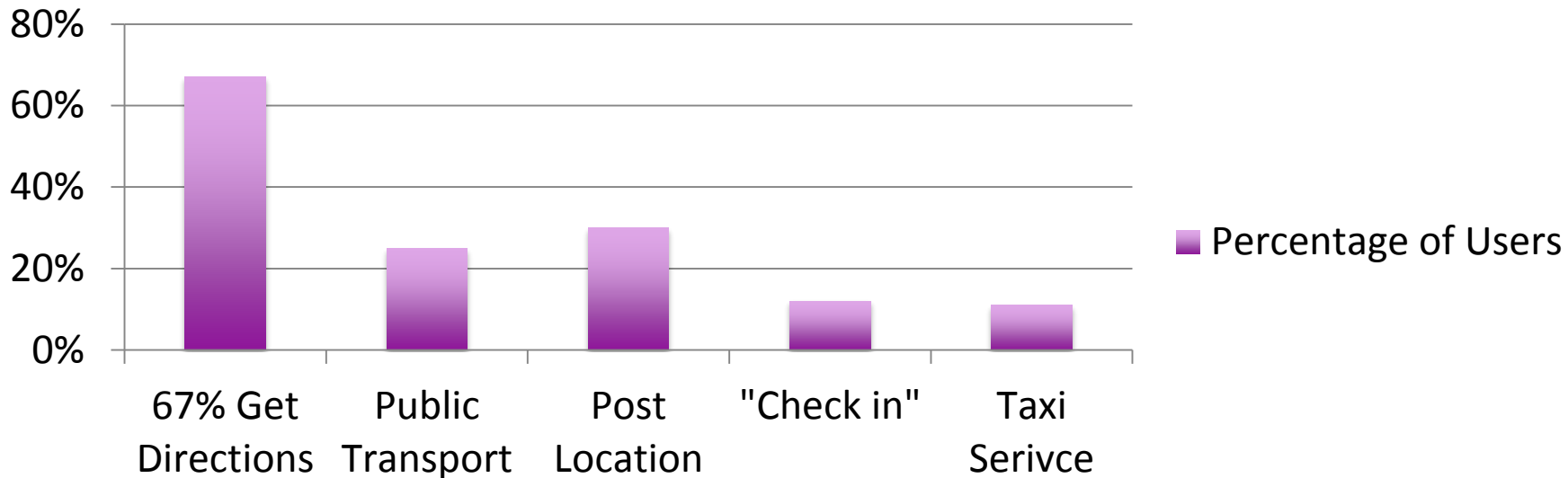
Mobile Devices & Major Life Events/Experiences



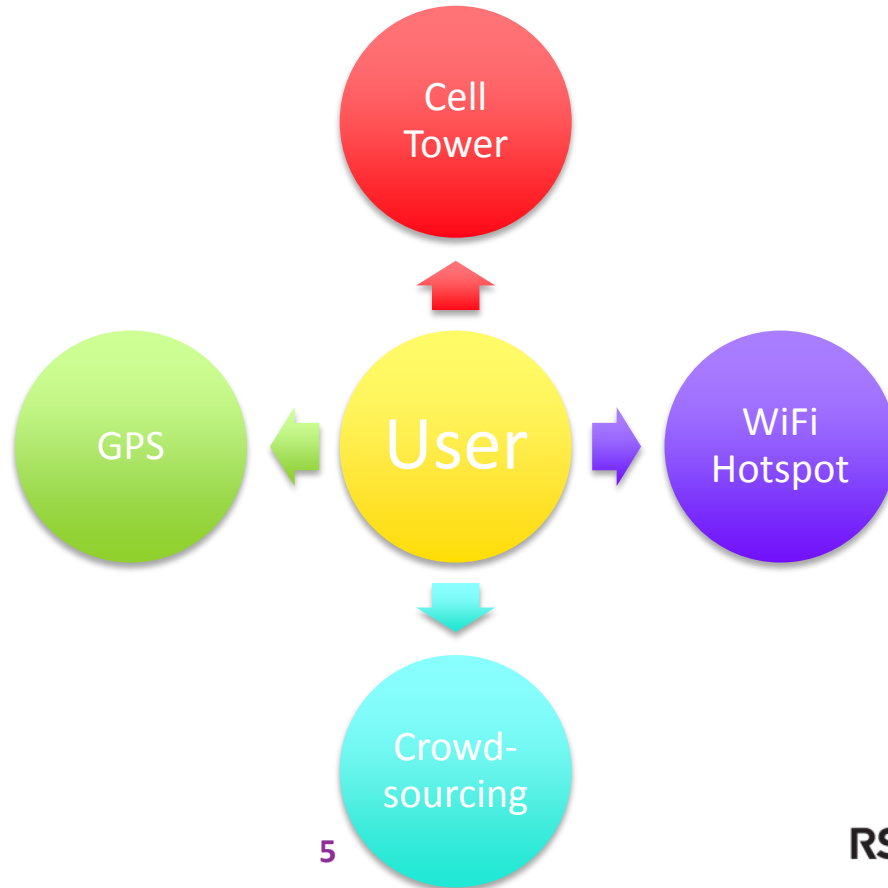
How Smartphone Owners Share Location



Location Relevant Data



Location info is gathered many ways





USE

TRUST

Location Data = Sensitive Data



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- Sensitive Data
- Legal Duty to Protect
- Use Increasing
- Disclosures Opaque
- **06/04/14** FTC Dir. Rich Testifies before Congress:
“Geolocation information divulges **intimately personal details** of an Individual”



Complicated & Confusing



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- **US:** No uniform privacy laws.
 - Enforcement is “ad-hoc.”
 - FTC: enforcing privacy policies & security procedures.
 - Sensitive Info: Employment, Medical, Sexual Orientation, Financial.
- **Trend:**
 - Greater State & Federal Legislative & Regulatory Involvement





White
House

Federal Geolocation Privacy Legislation

Privacy Bill
of Rights
Act of
2015

Consolidated
Appropriation
s Act, 2015
Enacted
(Sec. 417 of
Div. K)

GPS Act
(S. 237)
(H.R. 491)

Online
Communications
& Geolocation
Protection Act
(H.R. 983)

Location Privacy
Protection Act of
2014
(S. 2171)

Trends: State Location Privacy Initiatives



Legislation

- CA Senate Bill 576



State AGs

CA: State AG sued Delta over failure to post Privacy Policy in Mobile App (CalOPPA)

Trends: Regulatory Enforcement



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■ FTC

- Retail In-store Tracking (NOMI)
- Geolocation Sharing (Snapchat)
- Address Book Access/ Sharing (Path)
- Flashlight (Goldenshores)

■ FCC

- **AT&T:** April 8, 2015 call center data data breach
- **Net Neutrality:** New rule-making authority over internet access

Nest Steps: Risk Mitigation & Avoidance



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- Identify & Locate
- Review & Revise
- Update Policies & Contracts
- Train Employees



Nest Steps: Risk Mitigation & Avoidance



- Update Policies & Contracts:
 - Notice & Meaningful Choice
 - Transparency
 - 3d Party Access to Location Info?

Thank You!



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Safeguarding Ideas, Relationships & Talent®

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