

## Mobile Privacy Twitter Chat

On February 18, 2013, FTC staff hosted a Twitter Chat on mobile privacy including a new FTC staff report and settlement with social networking app, Path. FTC staff attorneys worked with the Office of Public Affairs to answer questions from the @FTC Twitter account. The chat hashtag was #FTCpriv.

Note: These tweets only include responses from the @FTC account and are listed in order for ease of reading. Tweets in their original order and without handles redacted remain publicly available on Twitter.

Hi all. Thanks for joining our chat at 1pm. We'll have three staff attorneys from the Division of Privacy & Identity Protection. #FTCpriv

Ryan Mehm will answer on mobile #privacy report. Nithan Sannappa & Jamie Hine here for Path settlement. #FTCpriv

First time joining an FTC Twitter Chat? Learn how they work: <http://go.usa.gov/4nsA> // Send us your questions now! #FTCpriv

Has everyone had a chance to review the staff report on mobile #privacy disclosures? Any questions? <http://go.usa.gov/4QPw> #FTCpriv

Q1 MT [REDACTED] How much reg authority does report have? Does violating guidelines=violating law? #FTCpriv

A1 Report recommendations are best practices, not rules or regs. Recs intended to be flexible for changing technologies. #FTCpriv

Q2 MT [REDACTED] Does following the guidelines inoculate you from enforcement actions? #FTCpriv

A2 Report recs deal with best practices for mobile disclosures. Enforcement actions brought on case-by-case basis. #FTCpriv

Q3 MT [REDACTED] Does FTC have criteria for biz to use when choosing when to follow the FTC's v. CA's best practices/guidelines? #FTCpriv

A3 FTC staff report recs and CA guidance complement one another - bizs should examine both #FTCpriv

Q4 MT [REDACTED] What does new report suggest about shifts in @FTC enforcement focus? Likely to be call for new legislation? #FTCpriv

A4 FTC has focused on mobile privacy for well over a decade through policy and enforcement #FTCpriv

Q5 MT [REDACTED] @FTC Report says u encourage standards of disclosure. We developed OS mobile PP. Can we submit to you for comments? #FTCpriv

A5 FTC encourages privacy innovations, but as a matter of policy we do not comment on specific initiatives #FTCpriv

Q6 MT [REDACTED] Case implies material omission grounds 4 deception claim. What other category of info do u require apps disclose? #FTCpriv

A6 Path's priv policy was deceptive. Sec 5 requires biz not misrep data collection practices w/respect 2 any category of info. #FTCpriv

Q7 MT [REDACTED] How will guidelines curtail foreign devs from collecting info? Our clients often infringed on by foreign devs. #FTCpriv

A7 To extent foreign dev operates in US, guidelines could apply. #FTCpriv

Q8 MT [REDACTED] Google/Apple don't offer APIs necessary for privacy apps like app data firewalls. Will FTC address this? #FTCpriv

A8 Report contains several recs for platforms and encourages further dialogue between FTC and platforms on mobile privacy. #FTCpriv

Q9 MT [REDACTED] How should websites & apps notify users of privacy changes? Is there difference btw material/non-material changes? #FTCpriv

A9 FTC's prior reports and cases make clear that material retro changes require affirmative express consent. Same in mobile. #FTCpriv

Thanks all for sending Qs so far about report. Anyone have Qs on the Path settlement? We'll be here for 10 more minutes. #FTCpriv

Q10 MT [REDACTED] would you still have brought a deception case against Path if there were no COPPA violations? #privacy #FTCpriv

A10 Yes, the two deception counts were serious and would stand alone. #FTCpriv

Q11 MT [REDACTED] Why nothing about mobile carrier priv issues in report? Separate report on comprehensive collection? #FTCpriv

A11 See fn4 of report for applicability re: carriers. Future report re: December workshop will cover comprehensive collection. #FTCpriv

Final Q! Q12 MT [REDACTED] @FTC ... says mob apps report chose priv over innovation. How was balance correct? Why DNT necessary? #FTCpriv

A12 Privacy & innovation not mutually exclusive. Report encourages platforms to develop DNT to empower consumer choice. #FTCpriv

Thanks everyone for participating in our Twitter Chat today! #FTCpriv