

Privacy Practice Tips

Davis & Gilbert was proud to sponsor the first ever Connected Conference hosted by The Jordan, Edmiston Group, Inc. and Strategy&, which took place on November 6, 2014 in San Francisco. At the conference, Richard Eisert discussed key privacy concerns surrounding the surge of connected devices. With the FTC's intensifying focus on the "Internet of Things" (but current lack of definitive guidance) he wanted to share these precautions:

- **Privacy by Design** – Be mindful of "Privacy by Design" principles. Incorporate consumer privacy protections at every stage in developing connected products. These include limiting collection and retention of data, and reasonable procedures to promote data accuracy.
- **Data Aggregation** – Aggregate and anonymize data whenever possible. While often considered a component of Privacy by Design, data aggregation and de-identification deserve special attention in the context of connected devices because of their potential to lessen both privacy and security concerns, even when transparency is not easily achieved due to the nature of the device.
- **Choice for Businesses and Consumers** – Give consumers the option to decide what information is shared about them, and with whom. Keep in mind the example set by Nest, which has indicated that it is taking an "opt-in" approach to the sharing of data (even with its new owner Google), making sure consumers expressly elect to have their information shared, thereby easing consumer concerns.
- **Greater Transparency** – Disclose details about collection and use of consumers' information, and provide consumers access to the data collected about them. With so many connected devices requiring an App or online registration to enable functionality, developers have an easy way to communicate data collection and use details to consumers. If this is not possible, consider other ways of providing transparency, including some form of privacy notice provided on a product insert or packing.
- **Be Mindful of Consumer Expectations** – One might sensibly argue that a consumer's privacy expectations with respect to a connected device that collects sensitive health information should be different from a consumer's expectations with respect to a device that collects data regarding the temperature of an oven. But if there is any doubt that an action with respect to data may defy consumer expectations, it is best to reach out to the consumer directly to reset expectations and allow consumer choice.

We expect further guidance from the FTC in the coming months. To receive updates please [click here](#) to sign up for Davis & Gilbert's Digital Media, Technology and Privacy alerts and don't hesitate to reach out to Richard and Brad directly with any questions.

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