



MOBILE LOCATION ANALYTICS: ADDITIONAL CONSIDERATIONS FOR RETAILERS

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Since our [first update](#) on Mobile Location Analytics (MLA) for retailers, the International Working Group on Data Protection in Telecommunications (“the Group”) has released a working paper¹ raising additional considerations and recommendations for retailers who use MLA technology. The Group recommends a layered approach with multiple categories of safeguards to address privacy issues, comply with data protection laws, and avoid potential litigation.

In addition to the MLA Code of Conduct referenced in our first update, there are two additional codes of conduct that retailers should be aware of, one from the Network Advertising Initiative and one from the Digital Advertising Initiative. Although none of these has become the “official” code of MLA usage, they raise important privacy considerations for retailers. Recognizing the need for accountability in the use of MLA, the Group suggests that organizations conduct a formal “Privacy Impact Assessment” before putting an MLA system to use.

In addition to signage informing individuals that MLA technology is in use, retailers should consider how to clearly communicate the purpose for collecting the data. One helpful tool is the use of a standard symbol throughout the retail industry or even across industries to inform individuals that MLA technology is being employed. Retailers

should consider the impact of MLA on employees or other staff who may be subject to extensive data collection without the proper precautions.

Retailers should also consider the process of collecting information, including the frequency of data collection, the location of MLA beacons, how continuously information is collected, how data is anonymized and destroyed, and whether and how any data is to be shared with third parties. For example, it may be necessary to establish and identify MLA “privacy zones,” such as restrooms or first-aid stations where tracking is turned off.

As retailers continue to rely on use MLA technology, these and other considerations are becoming increasingly important. Retailers should use an abundance of caution to ensure that their MLA systems abide by applicable laws and thoroughly address customer privacy concerns.

1. “Working Paper on Location Tracking from Communications of Mobile Devices,” <https://datenschutz-berlin.de/content/europa-international/international-working-group-on-data-protection-in-telecommunications-iwgdpt/working-papers-and-common-positions-adopted-by-the-working-group>

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