

APIs and Mobile and Online Privacy

Scene-setting, Regulations and Controversies

W3C Device API Privacy

Kasey Chappelle, Global Privacy Counsel

July 2010

Vast rates of societal change, increasing all the time

TECHNOLOGICAL

- **Always-on, ultra-broadband connectivity** wherever you are, through highly mobile devices powerfully supported by services and data in the 'cloud'.
- **Seamless platforms** and an ever-expanding range of interoperable and applications facilitating common exchanges. We will use mobiles to make payments, seek healthcare, and gain physical access.
- **Intelligent networks and services** that learn and adapt based on openly available attributes like presence, context and location, performing everyday tasks in the background, liberating the user for more meaningful tasks.

SOCIAL

- **Malleable content** from any platform enables *data subjects* to become *data providers*, co-creating and mashing-up personal content (like photos, videos and text) with commercial content, and publishing widely.
- **Empowered activists.** Greater connectivity and crowd-sourced everything fundamentally change the individual's relationship with companies and governments, challenging established notions of trust, relying upon authentic and trusted peer groups for authority and less upon "official" sources, and in turn contributing our own viewpoints.

ECONOMIC

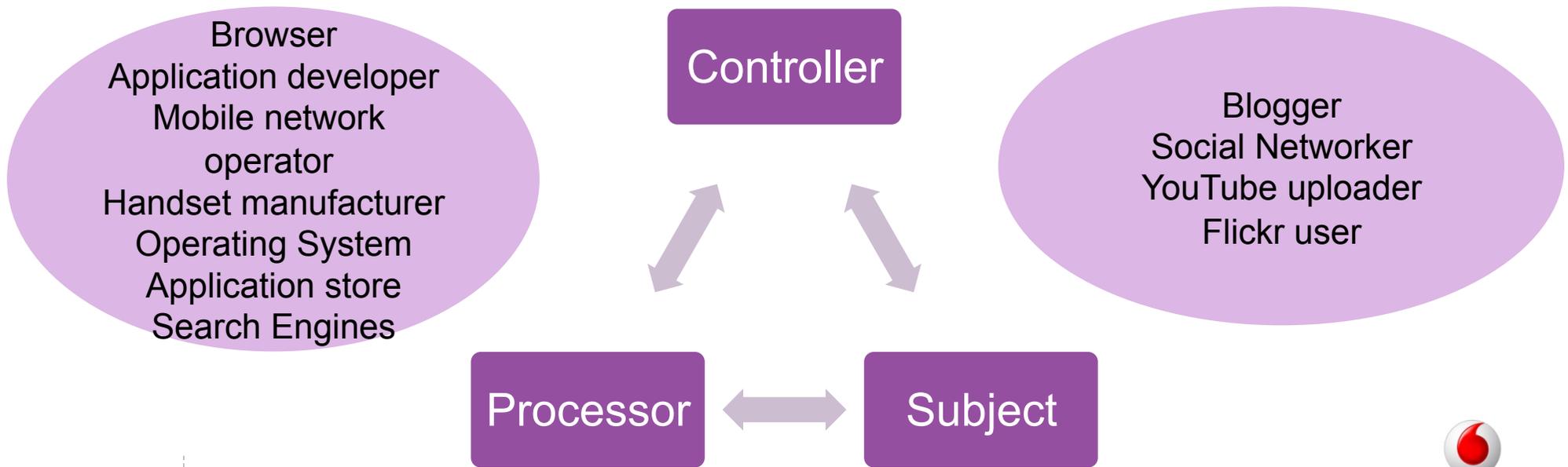
- **Disruptive technologies** will continue to challenge established business and regulatory models, and offering new possibilities (and risks) for consumers.
- **Network effects will spur innovation**, with billions of potential users reachable by online and mobile service providers and developers at low costs, leveraging the technological capabilities of mobile devices, networks and open and interoperable platforms to create intelligent and compelling applications.



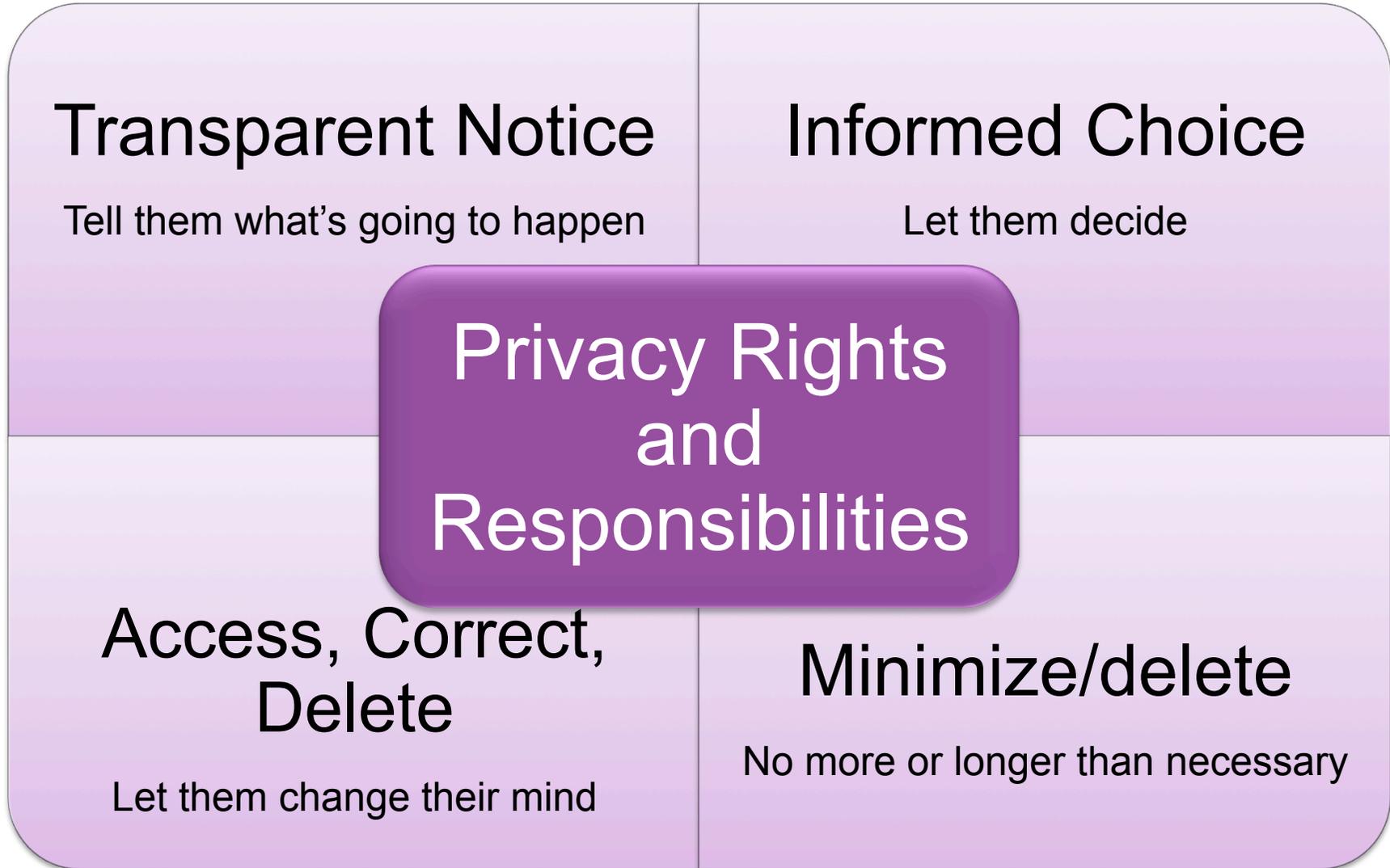
But we have a regulatory environment in flux . . .

EU	US	Rest of World
<ul style="list-style-type: none">• New ePrivacy Directive• Reexamination of the Data Protection Directive• Calls for a reorientation towards real privacy protections, not bureaucracy	<ul style="list-style-type: none">• FTC rethinking approach and promises more aggressive enforcement• US Congress readying privacy laws	<ul style="list-style-type: none">• Increasing numbers of countries with privacy laws• Watching what the EU/US do here

. . . that was built on increasingly archaic distinctions.



What are some of our global regulatory obligations?



What's the big picture?

Consumers expect protection

- Consumers are increasingly aware of their rights and react negatively to situations they perceive as privacy-invasive. In an always-on world, there's growing need for better online privacy controls, even more so in the inherently personal mobile environment.

Regulators are watching

- Laws and regulations alone won't create better consumer privacy – 'privacy by design' is the buzzword, and that requires better technical standards. If we are not careful about responding with better programmes, regulators will do it for us – and the outcome may be less than technology-friendly!

What's the big picture?

Security ≠ Privacy

- API and application standards have for too long focused on security – the ‘how and what’ of data use – at the expense of privacy – the ‘why.’ Existing security standards do not provide information that allows users to exercise informed choice – a legal necessity.

This is about more than just location

- Other APIs can surface information in ways that are privacy intrusive: accessing the address book, statistics, analytics and profiling, cameras, photos and video, communications logs, system info and events. Need to consider and seek technical solutions for the potential misuse of all kinds of information.