

2011 Likely to See a Greater Focus on Mobile Privacy Issues

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In recent years, companies have gotten in trouble for failing to get consent before sending text messages to consumers. In a series of lawsuits, courts have determined that many text message campaigns are subject to the Telephone Consumer Protection Act, and that the law requires companies to get consent before sending text messages. Many companies have also gotten in trouble for failing clearly disclose offer terms. For example, the Florida AG has challenged companies that buried the price of their services in the fine print. The costs of getting these things wrong can be high, with settlements costing many millions of dollars.

Although these types of cases are likely to continue, in 2011, mobile marketers are likely to see a greater focus on privacy issues. Indeed, when the FTC issued a preliminary staff report on privacy last year, the Commission cited various potential privacy issues in the mobile space. Last week, Mobile Commerce Daily published an article I wrote that outlines some of the key privacy issues in the mobile space. The article appears on page 22 of [Mobile Commerce Outlook 2011](#).