

Privacy Law and Business

Hi, I'm Dan Smith of DPs Legal Counsel and welcome to today's video.

Today I'm going to talk about an article that came out in today's Wall Street Journal. Today is Saturday, April the 13th, 2019, and this is an article that is entitled... Pull up the article... "Big Brother at the Mall," "Big brother at the Mall."

And it's talking about privacy issues that affect commercial businesses, either brick-and-mortar stores or online e-commerce businesses.

Now it's been the case that in the past year or so, there's been a lot of talk and a lot of controversy about data breaches, and you've had social media entrepreneurs and executives appearing before Congress, testifying before Congress, about cyber security, data breaches, use of data by their companies, and this is a big issue that's not going to go away any time soon.

So any entrepreneur, whether you're planning or are operating a business that has a physical location, a brick and mortar business or you are planning or engaged in offering goods and services online, you're an e-commerce entrepreneur, you're going to have to keep abreast of all the fast moving changes in the area of a cyber security and data protection and privacy of consumers.

The article that's in today's Wall Street Journal is really interesting, "Big Brother at the Mall." And it's talking about facial recognition technology, and how certain retailers have been testing or have facial recognition technology at some of their stores.

And it kind of does sound like Big Brother, when you read through the article, and you see how fast moving the technology is, and the fact that stores have been able to use facial recognition technology to essentially identify consumers.

One particular retailer that's mentioned in the article, through security beacons and Bluetooth technology and other things at their stores, is able to identify information about customers when they come in, perhaps, through apps on their smartphone and they will even send them promotional coupons and information about sales straight to their phones when they come into the store.

So it's really interesting and a little bit unnerving how much information retailers are able to collect on consumers now.

Yesterday, Senator Markey introduced a bill in Congress called the Privacy Bill of Rights Act. It is one that is you'll probably be hearing more about in the coming days that deals with protecting consumers from having their data disclosed or used by commercial enterprises that gather their personal information.

There's also a recent bill that was introduced by Senators Blunt and Shatz called the Commercial Facial Recognition Privacy Act and it's one that deals with the issue that's discussed in the article on the Wall Street Journal today about commercial businesses gathering information and using facial recognition technology on customers who come into their stores.

All that to say is this: That if you are an entrepreneur that is, setting up or operating not only just an online business, but a brick-and-mortar physical location type of business, you're going to have to stay current with privacy and cyber security new technology trends and laws because it as more and more information comes out about how this technology can be used, and as more and more concern is raised in Congress about the use of new technology, artificial intelligence, facial recognition technology, and all of that, you're going to have to make sure that you stay compliant as laws evolve and change over time.

It's just another challenge to operating a business in the 21st century with all the technology that's out there.

Right now Senator Markey's bill that was just introduced yesterday is proposed legislation as is the legislation proposed by Senators Blunt and Shatz on commercial facial recognition privacy.

But as bills move through Congress, and as more and more concern is raised about this type of thing, you're going to need to just stay current and make sure that whatever you do in your business that you're prepared for federal and perhaps state legislation that comes your way to protect consumers with respect to new technology.

Alright, I hope that helps, and we'll talk to you soon.

Thanks.