

**Before the
FEDERAL TRADE COMMISSION
Washington, DC**

In the Matter of

**GOLDENSHORES TECHNOLOGIES, LLC,
a limited liability company, and**

**ERIK M. GEIDL,
individually and as the managing member
of the limited liability company.**

COMMENTS OF CTIA - THE WIRELESS ASSOCIATION®

CTIA - The Wireless Association® (“CTIA”)¹ hereby submits these comments in response to the Federal Trade Commission’s (“FTC”) request for comments on the proposed consent order placed on the public record in this matter.

CTIA commends the FTC for using its enforcement authority to remedy allegations of deceptive practices by providers of mobile applications. In the complex wireless ecosystem, dozens of companies typically are involved in providing a mobile service to a consumer. Each link in this chain has a responsibility to keep statements made to consumers free of misleading information, including about how consumer information will be used and disclosed.

Members of CTIA have recognized the importance of notice and consent for use and disclosure of location data by Location-Based Services (“LBS”). CTIA’s Best Practices and

¹ CTIA - The Wireless Association is the international association that has represented the wireless telecommunications industry since 1984. Members of the organization include wireless carriers and suppliers, as well as providers and manufacturers of wireless data services and products.

Guidelines for Location Based Services² (“LBS Guidelines”) require providers³ of LBS to give notice of and obtain consent for the use and disclosure of location information:

- Notice. LBS Providers must ensure that users receive meaningful notice about how location information will be used, disclosed and protected so that users can make informed decisions whether or not to use the LBS and thus will have control over their location information.
- Consent. LBS Providers must ensure that users consent to the use or disclosure of location information, and LBS Providers bear the burden of demonstrating such consent. Users must have the right to revoke consent or terminate the LBS at any time.

The LBS Guidelines are technology-neutral and apply regardless of the technology or mobile device used or the business model employed to provide LBS (e.g., a downloaded application, a web-based service, etc.).

Consumers should have confidence when obtaining location services from LBS providers that have adopted the LBS Guidelines that their location information will be protected and used or disclosed only as described in LBS provider notices. By receiving notice and providing consent consistent with the LBS Guidelines, consumers maintain control over their location information. The LBS Guidelines encourage LBS Providers to develop and deploy new technology to empower users to exercise control over their location information and to find ways to deliver effective notice and obtain consent regardless of the device or technology used or business model employed.

The LBS Guidelines also require LBS providers safeguard to a user’s location information from unauthorized access, alteration, destruction, use or disclosure with reasonable administrative, physical and/or technical measures. They also should use contractual measures

² See Appendix A, attached: CTIA Best Practices and Guidelines for Location Based Services, Version 2.0 (revised 2010), also available at <http://www.ctia.org/policy-initiatives/voluntary-guidelines/best-practices-and-guidelines-for-location-based-services>.

³ Because there are many potential participants who play some role in delivery of LBS to users (e.g., an application creator/provider, an aggregator of location information, a carrier providing network location information, etc.), the Guidelines adopt a user perspective to clearly identify which entity in the LBS value chain is obligated to comply with the Guidelines.

when appropriate to protect the security, integrity and privacy of user location information. Further, the LBS Guidelines provide that companies should retain user location information only as long as business needs require, and then must destroy or render unreadable such information on disposal; if it is necessary to retain location information for long-term use, where feasible, LBS providers should convert location information to aggregate or anonymized data.

Telecommunications carriers who together service more than 95% of U.S. wireless consumers have signed onto CTIA's LBS Guidelines.⁴ CTIA encourages other entities in the mobile industry, including mobile application developers, to adopt and implement the LBS Guidelines and demonstrate their commitment to consumer notice and consent, and thereby generate consumer trust in their products and services.

Respectfully submitted,

By: _____ /s/
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⁴ David Barden, *et al.*, *3Q13 US Wireless Matrix – Tablets boost subs, hurt ARPU*, Bank of America Merrill Lynch, Nov. 17, 2013, at pp.5, 10 Tables 1 and 6.

Appendix A

CTIA
Best Practices and Guidelines
for
Location-Based Services