



United States Federal Trade Commission

March 17, 2014

RE: Public Comments re Mobile Device Tracking – P145401

To Whom It May Concern:

The Mobile Marketing Research Association (“MMRA”) is a global trade association dedicated to the promotion and development of professional standards and ethics for conducting marketing research on mobile devices.

MMRA members include some of the leading market research firms, mobile panel firms, technology companies, and clients who seek, real-time, verifiable consumer feedback so that the best products and services can be offered and continually improved upon, at the most competitive prices.

The preservation of the confidentiality of respondent information is a cornerstone of the market research industry. To the extent such a fundamental precept were to ever be violated, the general public’s trust in market research providers would be compromised, perhaps irreparably so.

To a large degree still self-regulated, the market research industry continues to be at the forefront of maintaining the highest professional and ethical standards in connection with consumer privacy. While new technologies, specifically the wide adoption of mobile, continue to present new and unique challenges for consumer privacy, the market research industry remains a leader in the areas of data security and consumer privacy.

Mobile devices, through their respective operating systems (ios, Android, and so on), enable the geo-location of a specific market research respondent or can facilitate the “geo-fence” around a group of retailers so that a respondent can be offered a targeted survey questionnaire upon entering or coming near such a “geo-fence”. Participation is knowing and voluntary, and offered only to those respondents who expressly opt-in. Clarity, simplicity, and transparency in the explanation of both the manner and means of how such information collected, is essential.

In the formulation of any new rules and guidance, we respectfully urge the Commission to consider the unique mission of market research and the fact it already maintains a set of strict, self-regulating principles.

The concern of the MMRA is that new regulations or guidance may, with a “broad brush”, sweep in market research activities that may already adequately be regulated or may be inappropriate

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within context of market research. Based on past experiences, such as the FTC's establishment of a Do-Not-Call list (which while making very good sense for marketing activities, would have had a chilling effect on market research), we respectfully request that the Commission be mindful of these distinctions.

We are not prescient enough to forecast the full range of potential future regulatory activities which may or may not adversely affect mobile market research. Thus, we simply desire that future regulations and guidance take into account the fact that respondent privacy in the context of market research is already properly protected through self-regulation and existing laws and regulations.

As an indication of that, we set forth here the MMRA's key principles in connection with market research activities on mobile devices:

1. Be open and transparent when asking people to participate in research. Always specify the purpose of the research, the information you plan to collect (including any photographs or recordings), how you plan to collect it, how it will be protected, and with whom it will be shared and in what form
2. During recruiting and throughout the project always provide your privacy policy and do so in a way that is easily accessed and understood by participants
3. Ensure that any personal information that could be used to identify a participant is kept securely. Be especially careful with photographs and recordings
4. Ensure that any information collected as part of a research project is never used for any purpose other than research without the participant's prior consent
5. All information shared with clients or others must be de-identified, including pictures and video, unless you have explicit consent to share it in an identifiable form
6. Never share any personally-identifiable information in any form with your client unless you have explicit consent from the participant and there is a formal agreement in place specifying that the information will be protected from disclosure and used only for research purposes
7. Never ask participants to do anything that might risk their personal safety, compromise their confidentiality, damage their device, or harm them in any way. This also means covering any additional costs (such as roaming or texting charges) they might incur as part of the research
8. Never conduct any research with children without first gaining the consent of a parent or legal guardian
9. Always understand and obey all relevant laws of the country where the research is being conducted and comply with relevant industry codes
10. Take special care in the design and delivery of any downloadable or web-based apps to ensure they are bug-free; easy to use on small screens; do not alter the settings of the device; only collect information for which the participant has given consent; do not denigrate performance of the device; and can be uninstalled easily at the conclusion of the research
11. When conducting passive data collection such as geo-location tracking, or web browsing

behavior, ensure that the participant is aware of the type of information being collected and how it will be used

12. Do not collect or use personal information about third parties that may be stored on a participant's mobile device such as in contacts list, recently called numbers, email histories, etc. without the consent from those whose personal information is being collected

For more information, see www.mmra-global.org/

Thank you for your consideration.

Respectfully submitted,

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