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USA: MMA to discuss 'comprehensive mobile privacy guidelines' during January forum

The Mobile Marketing Association (MMA), a global non-profit association representing the mobile marketing industry, will discuss its plans to develop 'a comprehensive set of mobile privacy guidelines' at the MMA Consumer Best Practices Forum, which will take place in Florida on 26 January 2011.

The MMA announced at the end of 2010 it would work with the mobile industry and stakeholders to develop a set of guidelines specific to mobile privacy to complement its Global Code of Conduct. 'The objective of these guidelines', read an MMA statement, 'is to address the growing need for marketers and consumers to have a transparent, accepted understanding as to how consumer information is used for the purposes of...mobile marketing'. According to Alan Chapell, Co-Chair of the MMA Privacy Committee, "as an emerging industry, there is a significant opportunity in the mobile space for all participants to proactively embrace the concept of privacy by design".

The MMA has not set a deadline for publication of the guidelines, however it placed 'personalisation and privacy' at number one on its 2011 'top ten marketing trends to watch in 2011'.

Privacy experts agree that mobile marketing and mobile privacy will be a much debated topic in the short to medium term. Some even predict that federal legislation could soon be passed in the US to regulate what is still perceived as a 'gap' in regulatory coverage over marketing using mobile platforms.

Joseph Rosenbaum, Partner at Reed Smith and outside General Counsel at the Interactive Advertising Bureau, however does not expect such legislation to see the light of day this year. "Of course, there is a possibility that recent activity related to behavioural advertising and marketing by the Federal Trade Commission and Department of Commerce in the US could be extended to the mobile and wireless space or an event may drive future considerations", he told DataGuidance. "We are likely to witness hearings and discussions, and regulatory inquiries into mobile marketing, but I believe legislation and regulation are unlikely in 2011 absent a full and informed discussion amongst government and industry participants".

According to Rosenbaum, it seems appropriate to wait for the "turmoil surrounding mobile privacy" - including recent lawsuits filed for mobile tracking and data sharing - to morph from emotional to a

"more reasoned approach to legislation or preferably self-regulation".

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