

FTC Settles with App Developer for Deceptively Sharing User Locations and Device IDs

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The FTC recently announced that it had settled charges against the maker of a popular flashlight application for Android, Goldenshores Technologies, LLC. The FTC had alleged that the app, Brightest Flashlight Free, deceived consumers about how their geolocation information was being used. The complaint also alleged the app used deceptive disclosures about users' options to control geolocation sharing. While the company did have a privacy policy, the FTC noted that it failed to disclose that users' exact locations and unique device identifiers were shared with third parties, including advertising networks. Further, the company provided consumers with an option not to share the information, despite the fact the information was shared automatically. As a result, the choice was meaningless. Even before users were asked to accept the app terms of use and privacy policy after download, the app was already collecting and sharing information. Under the settlement, Goldenshores has agreed to no longer misrepresent how it collects and shares information and must provide just-in-time notification to consumers with regard to geolocation information collection.

TIP: This case underscores that the FTC is looking at companies' privacy representations in its apps. It is also a reminder that if a company tells users that they have a choice over how their information is shared, it should ensure that those are choices the company can honor.

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