

UK Government to Examine Online Personalized Pricing Practices

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The Office of Fair Trading (“OFT”)—the UK’s consumer and competition authority, with powers similar to the U.S. Federal Trade Commission—recently announced that it will investigate how businesses monitor online shoppers and target them with personalized prices. The OFT reports that it plans to look at how online companies gather data on consumers’ browsing history, purchases, hardware, and demographics to personalize products and prices. Additionally, the OFT will specifically look at how businesses trade data among one another and whether such trading or other use of the data is sufficiently disclosed to consumers. The OFT states that it will consult with other governments’ consumer authorities, including the U.S. Federal Trade Commission. At the end of the six-month investigation, the OFT has indicated that it will publish its findings in the spring of 2013 and will use the investigation to determine whether any enforcement actions are necessary arising from the business practices uncovered.

TIP: Online targeting is under increased regulatory scrutiny in the United States, the United Kingdom, and elsewhere. Companies that engage in the practice may want to participate with government bodies as they shape their enforcement efforts. Companies can respond to the OFT request, and may also want to participate in the FTC’s upcoming workshop on privacy and online data collection, to be held in D.C. December 6, 2012.

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