The Location Privacy Protection Act of 2014—Summary

Senator Al Franken

Location information reveals a wealth of sensitive information: where you live, where you drop your kids off at school, the church you attend, the doctors you visit. Yet under the Electronic Communications Privacy Act, the companies that get this data are free to give or sell it to almost anyone. This loophole is misused by popular companies – and abused by stalkers:

• At least 25,000 adults are victims of GPS stalking annually (Wall Street Journal). “Stalking apps” are freely available online and brazenly market themselves to stalkers.

• Half of top apps (including kids apps and dating apps like Tinder), top mobile operating systems, and top device makers have all been found collecting or sharing user location data without users’ affirmative consent.

• Top car companies have disclosed their users’ movements to third parties without consent (Nissan) or announced plans to collect the data without consent (OnStar). A Ford exec recently said: “We know everyone who breaks the law, we know when you’re doing it. We have GPS in your car, so we know what you’re doing.” (Ford retracted the comments.)

• Separate GAO investigations found that app companies and in-car navigation companies gave users too little information about how their location information was used or shared.

The Location Privacy Protection Act of 2014 fixes this outdated federal law to protect consumers and victims of stalking. The bill:

(1) Requires that companies get individuals’ permission before collecting location data off of their smartphones, tablets, or in-car navigation devices, and before sharing it with others. This rule doesn’t apply to parents tracking kids, emergencies, and similar scenarios.

(2) Stymies GPS stalking by preventing companies from collecting location data in secret.

(3) Requires any company collecting the location data of 1,000 or more devices to post online: the kinds of data they collect, how they share and use it, and how people can stop the collection or sharing.

(4) Bans the development, operation, and sale of GPS stalking apps – and allows law enforcement to seize the proceeds of those sales to fund anti-stalking efforts; and

(5) Requires that the federal government gather more information about GPS stalking, facilitate reporting of GPS stalking, and prioritize training grants for law enforcement.

The bill is co-sponsored by Senators Chris Coons (D.-Del.) and Elizabeth Warren (D.-Mass.) has the support of the nation’s leading consumer and anti-domestic violence groups, including the National Center for Victims of Crime, the National Network to End Domestic Violence, the National Women’s Law Center, the Minnesota Coalition for Battered Women, Consumer Action, Consumers Union, the National Association of Consumer Advocates, the National Consumers’ League, and the Online Trust Alliance. The bill doesn’t concern law enforcement location tracking, which is addressed in other legislation.