

[A Summary of Privacy Issues for Broadcasters and Other Media Companies - A Presentation to the Texas Association of Broadcasters](#)

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Legal issues regarding **privacy** have long been an issue for broadcasters and other media companies. Traditionally, privacy concerns for media companies have arisen in the context of **news gathering, advertising or other on-air content** that either was gathered in a way that **intruded on someone's privacy**, or which used **private facts or personal images, without consent, for commercial purposes**. As technology developed, privacy related issues followed. There are legal restrictions setting out rules about using automated calling (or texting) for commercial purposes to people who have not consented, sending faxes to persons who have not given you permission to use their fax numbers, and sending unsolicited emails. Online, the issues increase, with rules or policies in existence or in development. There long have been rules about collecting personal information about children under the age of 13 (under COPPA - the **Children's Online Privacy Protection Act**, see information about a recent enforcement action [here](#)). Other laws govern the need to keep secure any private information that you collect about others - like credit card information that you may collect from advertising clients or listeners who buy merchandise or other goods from the station (everything from tee shirts to Groupon-like coupons). And recently, there have been a number of lawsuits and government actions targeting the collection and unauthorized use of personally identifiable information about website visitors (or those using a station App) without knowledge or consent. All of these issues were discussed during a webinar that Ronnie London and I conducted for the **Texas Association of Broadcasters**. The slides from that session, providing a good outline of many of the basic legal issues that arise in connection with privacy issues, are available [here](#).

We've [written about these new media privacy issues](#) before, and our firm's [Privacy and Security Blog](#) cover these issues regularly. This is an important area that broadcasters need to pay attention to, especially as they increase commercial activity from their websites, on mobile applications, and in other forms of digital media. Plaintiff's attorneys are looking for companies who do not adhere to their privacy policies or who provide **personally identifiable information** (known as "**PII**" in the privacy world) to third parties without permission. [Congress](#), the [FTC](#), the [FCC](#), and the [Commerce Department](#) have all been looking at new regulatory regimes to govern privacy in many areas - including enhanced and targeted advertising, and the use of geo-location information. Pay attention to these development as, while the web offers many new opportunities to increase revenues, it also may well bring new legal concerns for broadcasters beyond those FCC issues with which broadcasters have so long concerned themselves.

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