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Perkins on Privacy

FTC Sues Data Broker for Alleged Unfair Act of Selling Precise Geolocation Data

The Federal Trade Commission filed a lawsuit on August 29, 2022, against data broker Kochava Inc., alleging that the company's sale of precise geolocation data is an unfair act or practice that violates Section 5 of the FTC Act. The case follows an FTC blog post warning that the agency would be vigilant in protecting consumers' location and health information in the wake of *Dobbs v. Jackson Women's Health Organization*, 142 S. Ct. 2228 (2022), and reflects the heightened scrutiny the FTC is bringing to bear on precise location data following the *Dobbs* decision.

Particularly for businesses that sell or share precise location data, the case suggests the importance of implementing safeguards on individuals who may have access to such data, especially if it could be used to infer that an individual had visited "sensitive" locations.

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