

“Direct Marketing, Mobile Phones and Consumer Privacy – Ensuring Adequate Disclosure and Consent Mechanisms for Emerging Mobile Advertising Practices”

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This article assesses the adequacy of existing U.S. laws designed to protect consumers' privacy and personal data with respect to advertising directed at, or accessed by, consumers through their mobile phones and other wireless communications devices. It argues that consumers are entitled to fair information practices associated with mobile advertising that should include at least the right to receive meaningful notice and to give their informed consent to the collection, use and disclosure of their personal information. It also argues that consumers have the right to choose whether to receive mobile advertising. The Article offers insights and recommendations from a federal regulatory and industry self-regulatory perspective to ensure that mobile advertising directed at consumers will be accompanied by these two components of fair information practices.