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Web Tracking Protection: "Do-Not-Track" Tools Gaining Popularity

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Privacy and protection of consumer information is not the newest Internet issue to be addressed, but it has become one of the hottest and most debated issues of late. The latest pieces to be added to the great puzzle of how to address privacy and protection of consumer information are the anticipated emergence of "do-not-track" tools for Web browsers and the possibility of additional federal legislation in the form of a "privacy bill of rights."

The latest release of Microsoft's Internet Explorer, the soon to be released final version of Mozilla's Firefox 4 and the latest version of Apple's Safari browser which is included as part of the latest test release of Lion (a version of the MAC OS X operating system currently available to developers) all feature a do-not-track mechanism which will allow consumers to opt out of having their Internet use tracked. All three companies have acknowledged and recognized that use of these mechanisms is not required by law or regulation yet, but is instead being driven by consumer demand.

While these protections are not presently required by law, they may be soon. President Obama is trying to support such protections, or at least some version of them, through a "privacy bill of rights." The President has asked Congress to pass a law following the framework of a recent report issued by the FTC that suggested, among other things, that companies should ask an individual's permission to use personal data for any purpose other than the purpose for which it was collected. To see the full FTC report, click here.

At least one influential Internet group has come out in favor of the proposal. The World Wide Web Consortium (W3C), the Web standards body responsible for HTML5, recently accepted and published Microsoft's member submission for an Internet standard to help protect consumer privacy. The privacy concerns raised world-wide have both technical and non-technical aspects. The W3C's involvement provides a well established and reputable forum for such a discussion. Overall, the proposal with the W3C is a solid step toward enabling an industry standard for Internet sites to (1) detect when consumers express their intent not to be tracked and (2) help protect consumers from sites that do not respect that intent.

It is hard to draw any definitive conclusions at this point regarding the do-not-track tools and the potential legislation; however, the increased push for amplified protections and standards may be a sign of a shift in attitude for the government and its traditional "hands-off" approach to the Internet. Meanwhile, the European Union, whose Data Protection Directive has been protecting personal data for over a decade, is considering amendments to its data protection framework to better balance the interests of consumers and businesses.

We will continue to monitor the evolution of these and other proposed mechanisms for protection of consumer data, which are certain to have significant effects on the future of E-Commerce. Only time will tell which privacy framework will win out. What can be said is that until a definitive, universally accepted mechanism is agreed upon, consumers should always be very aware and diligent about how and when they disclose personal information over the Internet.