

Vizio's caught monitoring TV owners' viewing habits, selling info

February 17 2017, by Jonathan Takiff, The Philadelphia Inquirer

Vizio was the first television maker to get caught and punished with a \$2.2 million fine by the Federal Trade Commission and the New Jersey Division of Consumer Affairs, for monitoring the viewing habits of its Smart TV set owners and selling the data to advertisers.

But tech trackers at the Wirecutter have found the practice fairly widespread among manufacturers of internet-connected TVs. (It's a way for them to make some real money in a cutthroat, low-margin business.) And other TV brands are now likely to also suffer scrutiny and repercussions from the FTC, acting chairman Maureen Ohlhausen suggested in a concurring statement.

Finally putting the cap back on the tube, after two years of class-action lawsuits and denials of wrongdoing from the maker, the FTC went after Vizio first - rather than Samsung, LG, or Sony - because the value brand never bothered to ask permission to track the viewing habits of more than 11 million set owners/viewers, even in the deeply buried fine print of user agreements.

Vizio just turned on the Inscope viewer tracking feature, and a pretty clever piece of work it was, as described by senior FTC lawyer Lesley Fair in a blog post.

The software "collected a selection of pixels on the screen that it matched to a database of TV, movie, and commercial content. Add it all up, and Vizio captured as many as 100 billion data points each day from

millions of TVs. Vizio then turned that mountain of data into cash by selling consumers' viewing histories to advertisers and others."

Vizio argued, and still asserts, that its "automatic content recognition" (ACR) was used only to create "aggregate" summary reports measuring viewing audiences or behaviors. ACR "never paired viewing data with personally identifiable information such as names or contact information and the commission did not allege or contend otherwise," said Jerry Huang, Vizio's general counsel.

But Fair still contends that "it got personal. The company provided consumers' IP addresses to data aggregators, who then matched the address with an individual consumer or household," allowing third parties access to details including sex, age, income, marital status, and home ownership.

Vizio has four months to destroy any viewer tracking data it collected and must immediately install a "mandated privacy program" that will be monitored by an "independent third-party professional" for the next 20 years.

The company has begun pushing out pop-ups to get owners consent for tracking their viewing habits. If you have not received the alert, there are instructions on the Vizio website for disabling "Smart Interactivity" and "Viewing Data." Owners of recent and current VizioSmartCast sets need not fret. Those sets were shipped with the monitoring feature turned off.

Other TV makers have had opt-in tracking services that you may have accidentally turned on. Go into the settings menu and search for them under "Terms and Policy" (on Samsung TVs) as "Smart TV/Live Plus" on LG TVs and on Sony TVs in the Help menu under "Privacy Settings."

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