

# Better policy needed to protect privacy of smart TV viewers

March 21 2017

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Credit: Universiteit van Amsterdam (UvA)

Dutch and European policymakers should do more to protect media users' privacy instead of leaving the matter entirely to data protection law and data protection authorities. This is one of the recommendations of a research paper authored by UvA privacy experts Kristina Irion and Natali Helberger which is published in the journal *Telecommunications Policy*.

In their paper, the researchers draw attention to the privacy and [data protection](#) concerns raised by the use of smart TVs. Like other web-connected devices, smart TVs make it possible to track users' online and offline behaviour and can pass on private information to third parties about users' social background, habits and viewing preferences. Concerns have recently been raised on how the use of such information can affect users' rights to free speech, unobstructed access to

information and also media pluralism.

## **Smart TV data surveillance**

The researchers assembled evidence showing how smart TVs are already divulging users' privacy in a variety of ways. These include reported incidents of TVs transmitting viewing information back to manufacturers and accidentally eavesdropping on private conversations. The researchers also reviewed a number of implementation and enforcement actions in Germany and the Netherlands. What they found was that while the smart TV ecosystem is rapidly taking shape, there is clearly a trend on the part of providers and manufacturers to take full advantage of users' personal data. 'Our analysis shows how users' agency is being significantly reduced because information duties haven't been complied with and how default settings were not privacy preserving', says Irion, senior researcher at the UvA's Institute for Information Law.

## **Fundamental rights and media policy values**

The researchers call on European and national policymakers to do more to protect [media users](#)' privacy. 'EU media policy oddly avoids the emerging issues of monitoring and tracking users' media consumption, the role of targeted advertising, and how media personalisation strategies could affect media pluralism for better or worse', says Natali Helberger, professor of Information Law. 'The present situation is wholly inadequate in view of the important role of the media in pluralistic and democratic societies, both in member states and in the EU as a whole.'

Irion: 'Our article shows that in light of changing market realities, media law and data protection law no longer co-exist in clinical isolation, but tie in when the tracking and monitoring of users' media consumption touch upon highly traditional values and objectives of media policy. Leaving

the matter to data protection law alone would therefore not acknowledge the intrinsic link between [media consumption](#) and the freedom to receive information, which is a tenet of the fundamental right to freedom of expression. Instead, media policy should recognise the specific role of audiovisual and online media in how individuals form opinions, which calls for additional safeguards from incessant tracking and monitoring by a host of providers.'

## Recommendations

The researchers make several recommendations for future European policy, including the adoption of stricter laws for protecting data about users' media use as well as for more restraint in the sharing of such data with third parties. Such measures are necessary to ensure personal data collection doesn't interfere with [users'](#) right to receive and access [information](#) and for greater cooperation between data protection and media authorities across EU member states. The European Union should take this proposal on board in its reform of the e-Privacy regulation.

**More information:** Kristina Irion et al. Smart TV and the online media sector: User privacy in view of changing market realities, *Telecommunications Policy* (2017). [DOI: 10.1016/j.telpol.2016.12.013](https://doi.org/10.1016/j.telpol.2016.12.013)

Provided by University of Amsterdam

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