

Is RFID being Singled Out by Privacy Advocates and Legislators?

There are Legitimate Questions, but RFID is the Least of the Privacy Concerns for Most Consumers

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Since the Auto ID Center began to gain prominence earlier in the decade, privacy advocates of all sorts have raised concerns and helped trigger legislation regarding use of RFID and consumer privacy.

Starting in 2003, the unofficial head of that effort has in a sense been **Dr. Katherine Albrecht**, a former Harvard professor, author of the book **Spy Chips**, and director of [CASPIAN](#) (Consumers Against Supermarket Privacy Invasion and Numbering), which claims to have some 20,000 members.

Others have also jumped on the bandwagon, including legislators in many states.

Just this year, for example, New York, New Hampshire, Nevada, Washington state, and Massachusetts have all introduced RFID-related legislation regarding privacy. Washington has been considering legislation for the past couple of years, and at one point the proposed law would have required that a person give explicit consent before he or she or what they are buying was read. The bill has since been watered-down so that retailers or government agencies are permitted to read the tags they issue or directly or indirectly place on items, but not the tags issued by others.

So, for example, a store need not ask permission to scan the cart of tagged apparel items a consumer is buying, since it is part of that retailer's own system, but it could not read the tag already on the consumer's high end purse or a credit card in a consumer's wallet. How that would work out in practice is not clear.

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There are some legitimate issues RFID and privacy questions. For example, should a retailer be able to track a consumer's movements in a store, perhaps even without he or she being aware of it, through a reader network that monitored a tagged shopping cart, or even worse, an RFID-tagged credit card? Could a thief use a reader outside your home, and one day know there is a recently purchased laptop inside?

These and others are reasonable concerns, but as the RFID market researchers at investment company RW Baird noted in their recent RFID newsletter, is it right that RFID seems to be so singled out for this privacy battle?

For example, while consumer and privacy groups voiced concern over the **potential** for in-store tracking using shopping carts, they have said little or nothing about the fact that in many if not most major chain stores today, you are **currently** being monitored by video from the time you enter the store parking lot.

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And such efforts go beyond mere security and theft prevention. According to the Baird note, "Security cameras found in retail environments can now be used by marketers thanks to software advancements, which allow individuals on camera to be monitored. The system is able to track an individual traffic pattern, discern where a person stopped in the store and even if they picked up or put back merchandise" – the same types of uses cases for which many privacy advocates have been worried about RFID.

Meanwhile, cell phones, credit cards, GPS systems and other technologies are already track-

ing individual activity to an incredible degree, without much noticeable privacy group or legislative response.

Baird observes that whether it's RFID or any of these other technologies or databases, "each has the opportunity to invade privacy, [and] legislation is better served protecting the associated data and penalizing misuse of that data. We hope sensible debate begins to form around this critical issue, not around regulating a particular technology."

