

TESTIMONY OF MR. BRIAN KNAPP
CHIEF OPERATING OFFICER
LOOPT, INC.

BEFORE THE
UNITED STATES HOUSE OF REPRESENTATIVES COMMITTEE
ON ENERGY & COMMERCE
SUBCOMMITTEE ON COMMUNICATIONS, TECHNOLOGY & THE INTERNET
HEARING ON COMMUNICATIONS NETWORKS AND CONSUMER PRIVACY

April 23, 2009

Good morning Mr. Chairman and Members of the Subcommittee, my name is Brian Knapp, Chief Operating Officer at Loopt with responsibility for day-to-day business operations as well as privacy, policy, data security matters, and legal affairs.

Since you may not be familiar with Loopt, please allow let me tell you a little about our company.

Loopt is a location-based service that changes the way friends and family connect, share, and explore in the mobile environment. Loopt facilitates real-world interaction by helping users connect on the go and navigate their social lives. Loopt users can see where their friends are located and what's going on around them via detailed, interactive maps on their mobile phones. Users can also choose to share location information and updates with their network of friends on a variety of popular social networks and communities.

Over 1 million users have registered for Loopt. By all accounts, consumers are very excited about emerging mobile services like Loopt.

We got started back in 2005 when Sam Altman, a sophomore computer science major at Stanford, had an epiphany as he walked out of class – realizing that it would be great if he could open his mobile phone and see a map of where all his friends were.

Since 2005, Loopt has grown to over forty employees and our service has launched across multiple wireless carriers and mobile devices. Today, Loopt is available on AT&T Mobility, Sprint Nextel, Boost Mobile, MetroPCS, T-Mobile, and Verizon Wireless networks as well as popular devices such as the Apple iPhone, RIM Blackberry, and Google's Android G1. Depending on the service provider and device, the cost of the Loopt service ranges from free ad-supported to \$3.99 per month.

From its inception, Loopt's founders and investors made a commitment to the development of strong privacy practices and policies. I began working with Loopt in late-2005 as outside counsel, and was hired full-time by the company two years ago to specifically focus on privacy, policy, and data security. At the time, Loopt had 13 other employees and only one operator partner, Boost Mobile; however, even in our early days we knew that investing in an effective privacy program was necessary for our users and an important foundation for our future business growth and success.

Loopt's privacy approach is based on the key principles of user-control, education, and notice. Our regime specifically includes:

- Informed Consent. The Loopt service is 100% permission-based; express, informed opt-in consent is received from every user. Each user must proceed through a multi-step registration process, during which they are presented with key information about the service and several ways to review Loopt's end user agreements. At the end of my testimony is a flow diagram illustrating this process.
- Reminder Notification Program. Following registration, an automated notification program reminds users that Loopt is now installed on their mobile device, and contains key messages about how to best manage their privacy on the service.
- Location-Sharing End User Controls. Loopt users completely control where, when, and with whom their location is shared or displayed, and all Loopt "friendship connections" are reciprocal and may be removed or deleted at any time. Loopt users may "hide" their location at any time or even set a fixed location (non-GPS) manually. Users share location information only with their

selected friends, networks, and services. Loopt users can easily turn location-sharing on or off at any time on a friend-by-friend basis or for all friends at once.

- Age Limits. Loopt's Terms of Use includes a minimum age requirement, currently set at 14 years of age. Loopt has implemented an "age-neutral" screening mechanism in its user registration flow, which requires – in a neutral fashion – users to input their age and rejects users who do not meet the minimum requirement. Loopt tags the mobile device of such unsuccessful registrants and prevents those prospective members from re-registering from the same device. This screening mechanism works in accordance with the FTC's guidance with regard to COPPA best practices. In addition, parents and guardians may contact Loopt at any time to terminate accounts of underage users.
- Report Abuse. “Report Abuse” links are posted near every user profile. Loopt's customer service and privacy-response team reviews all Report Abuse messages and responds appropriately according to internal process standards and Loopt’s Terms of Use. Loopt will promptly notify, suspend, or permanently ban users who violate Loopt's community policies and regulations including the posting of inappropriate content or the harassment of other users.
- Privacy Notice, User Education. Loopt's Privacy Notice is readily viewable within our mobile application and at Loopt.com, and may be received by email delivery or postal mail. Loopt is TRUSTe certified. In addition, Loopt's Web site contains detailed information about our privacy features as well as frequently-asked-questions.

We developed these policies by listening to our customers and working closely with leading mobile, social networking, and online privacy and security organizations such as the Center for Democracy & Technology, Electronic Frontier Foundation, Family Online Safety Institute, Cyber Safe California, ConnectSafely.org, Congressional Internet Caucus Advisory Committee, and the Progress & Freedom Foundation’s Center for Digital Media Freedom. Loopt was also a participating member on the Internet Safety Task Force, originally formed by MySpace and 49 States Attorney Generals, and managed by Berkman Center at Harvard University. Finally, we were active participants in the creation of the CTIA’s Guidelines and Best Practices for Location-Based Services. Our accomplishments to date

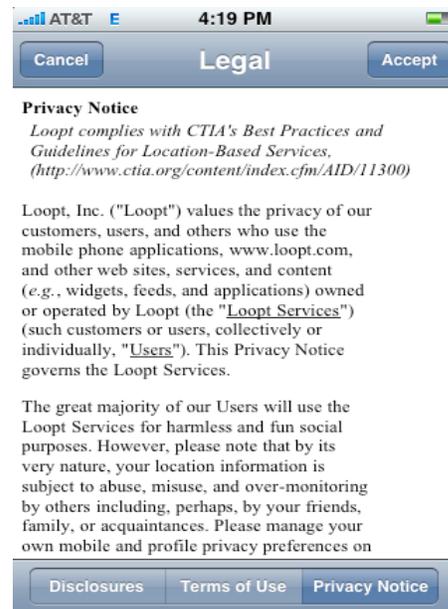
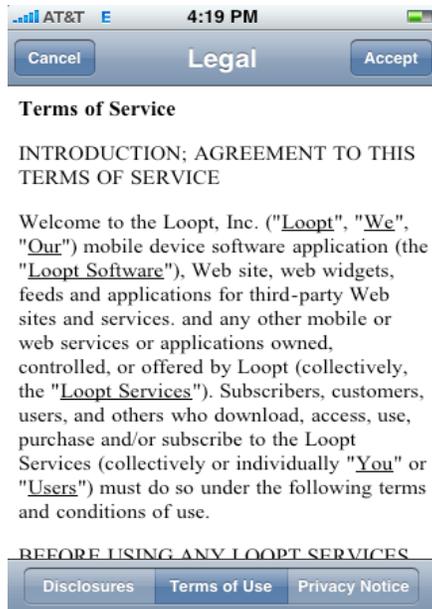
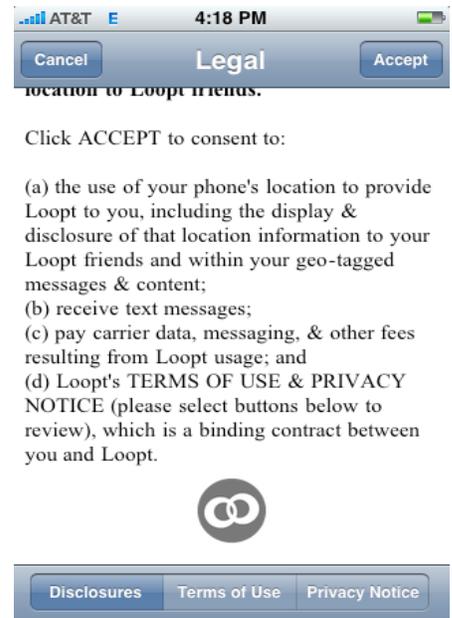
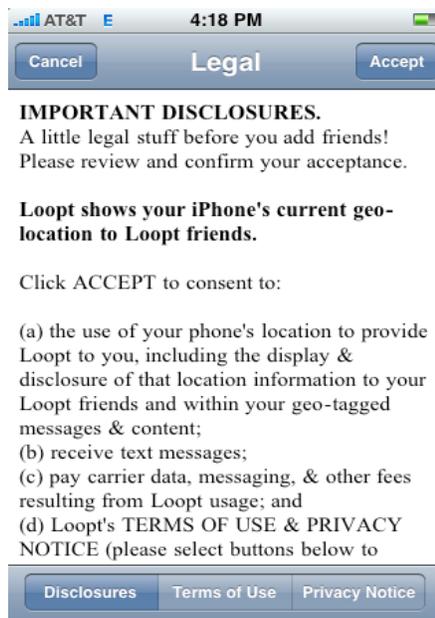
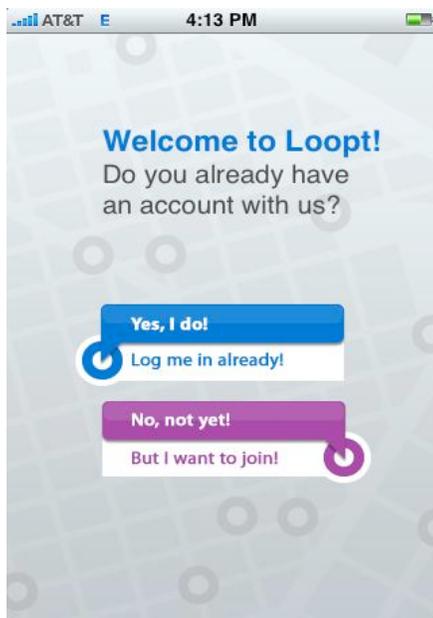
in terms of privacy and security innovation would not have been possible without the great feedback, insights, and know how of these organizations.

We believe that the result of all this collaboration is a consistent, sound set of privacy policies that apply to all of our users, regardless of where they live or use the service. Consumers' privacy expectations don't change when they cross geo-political boundaries. This is an important point for policymakers to consider in a world that is becoming increasingly mobile-centric.

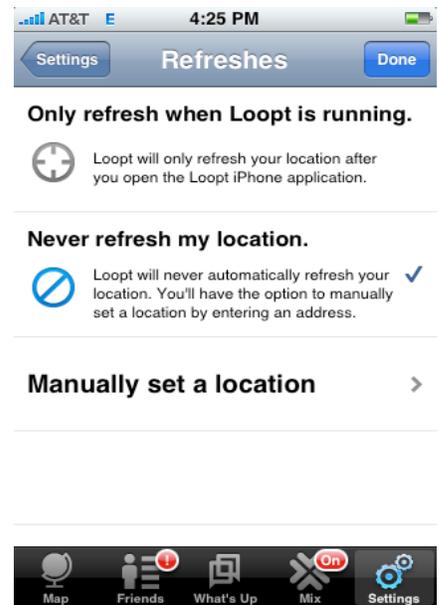
We know that Loopt's customers value their privacy and especially the easy access to tools and information to control their privacy settings as needed. In response, we have created a privacy policy that is both straightforward and easy to understand. This is an evolutionary process and we will continue to strive for excellence in privacy innovation and aspire as a company to achieve effective "privacy by design".

I thank you for the opportunity to share Loopt's story with the Subcommittee, and I would be pleased to answer any questions you may have.

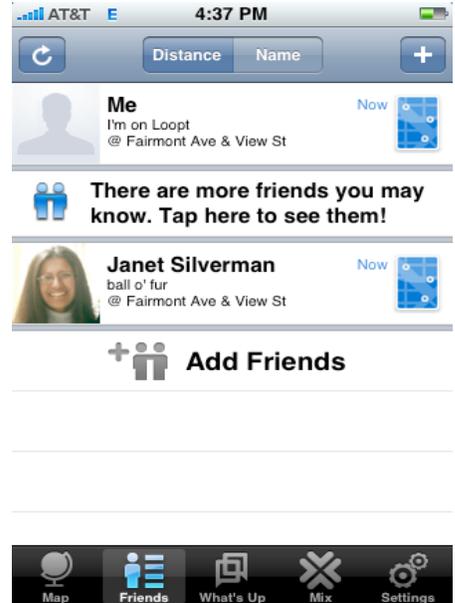
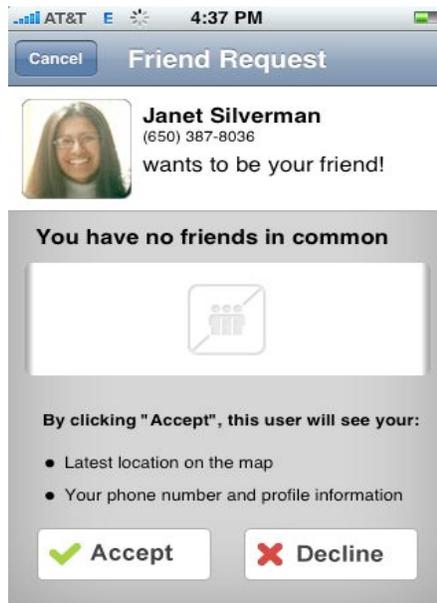
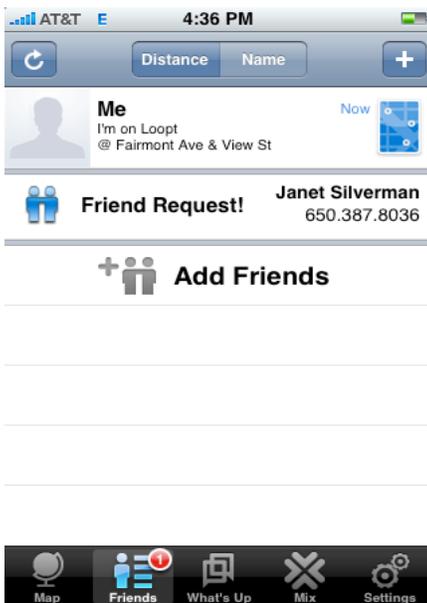
Loopt – Informed Consent / Opt-In. The following screenshots from Loopt’s iPhone application illustrate the user consents, sign-up flow:



Loopt Location Privacy Settings:



Making Loopt "friend connections":



Privacy Policies. Links to Loopt's privacy policies and related tips and frequently-asked-questions are prominently placed on the Loopt Web site home page:

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Loopt transforms your mobile phone into a social compass

- connect** with friends and get alerted when they are nearby
- share** your location, photos and comments with friends and social networks
- explore** places and events recommended by friends and Yelp®

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Loopt Buzz
Apr 9th, 2009
Wall Street Journal
Andy Jordan's Tech Diary: Online Hookups Get Geo-Aware.
People are using location-based social networking to meet strangers online, in their own neighborhood, spontaneously and in real-time. WSJ's Andy Jordan takes a look at Loopt.
[read more...](#)
Apr 7th, 2009
GPS Business News
Eric Carr, Loopt: "we are definitely north of 1 million users"
Eric Carr, Vice President of
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Privacy Notice

CTIA Loopt complies with CTIA's Best Practices and Guidelines for Location-Based Services.
The Wireless Association™ (<http://www.ctia.org/content/index.cfm/AID/11300>)

TRUSTe Loopt, Inc. ("Loopt") values the privacy of our customers, users, and others who use the mobile phone applications, www.loopt.com, and other web sites, services, and content (e.g., widgets, feeds, and applications) owned or operated by Loopt (the "Loopt Services") (such customers or users, collectively or individually, "Users"). This Privacy Notice governs the Loopt Services.
CLICK TO VERIFY

The great majority of our Users will use the Loopt Services for harmless and fun social purposes. However, please note that by its very nature, your location information is subject to abuse, misuse, and over-monitoring by others including, perhaps, by your friends, family, or acquaintances. Please manage your own mobile and profile privacy preferences on the Loopt Services, on an ongoing basis, accordingly.

Please be aware that any personally identifiable information or location information that you voluntarily disclose online - such as when you use Loopt Mix, the journal feature, review events and venues, post event announcements, etc. - becomes publicly available and can be read, collected, and used by others and could be used to send you unsolicited messages. Loopt is not responsible for the personally identifiable, profile, or location information that you choose to disclose publicly on the Loopt Service.

GENERAL INFORMATION:

This Privacy Notice details important information regarding the use and disclosure of User information collected through the Loopt Services. Loopt provides this Privacy Notice to help you make an informed decision about whether to use or continue using the Loopt Services.

This Privacy Notice is incorporated into and is subject to the [Loopt Terms of Use](#). Your use of the Loopt Services and any personal information you provide on the Loopt Services remains subject to the terms of this Privacy Notice and the [Terms of Use](#).

IMPORTANT DISCLOSURES AND CONSENTS:

- Data and messaging (including SMS text messages) plans are required to use the Loopt Services. [Loopt requires the use of SMS text messages](#). Standard data and messaging charges, fees, and taxes from your carrier apply.
- To provide Loopt, we collect, maintain, use, and display your personal data and the geographic location of your mobile device (we call this location fix of your mobile device "[location information](#)" or "[geo-location](#)").



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Privacy & Security

Jump to: [Privacy Features](#) | [For Parents](#) | [Be Safe](#)

Login

Sign Up

Privacy Innovation

Privacy and security are key company priorities at Loopt. We strive for excellence in privacy innovation and aspire to achieving effective "privacy by design". Loopt offers the most intuitive and effective privacy controls and security features for end users. Questions? Comments? Let us know! privacy@loopt.com

Loopt is 100 percent permission-based and users share location information only with their selected friends, networks, and services. Loopt users can easily turn location-sharing on or off at any time on a friend-by-friend basis or for all friends at once.

Loopt works regularly with select organizations that focus on privacy & security including: [The Family Online Safety Institute](#) (board member); [ConnectSafely.org](#); [Ponemon Institute](#); [Electronic Frontier Foundation](#); [National Network to End Domestic Violence](#); [Progress & Freedom Foundation's Center for Digital Media Freedom](#); [Internet Education Foundation](#); and [Cyber Safe California](#) by the California Office of Privacy Protection (member, advisory committee). Further, Loopt sits on the CTIA's WIC Leadership Council and was an active participant in the creation of the [CTIA LBS Best Practices](#).

Loopt is also a participating member on the [Internet Safety Task Force](#), originally formed by MySpace and 49 States Attorney Generals, and now managed by Berkman Center at Harvard University.

Public speaking & community participation regarding privacy & security:

- Participant; *Progress & Freedom Foundation's Aspen Summit, "Kids, Media & Marketing" roundtable*
- Panelist; *Family Online Safety Institute, invitation-only roundtable, "Searching for Online Safety Solutions"*
- Panelist; *Family Online Safety Institute, Annual Conference '07*
- Exhibitor; *State of Net '08 by Advisory Committee to Congressional Internet Caucus*
- Panelist; *2008 Cyber Safe California by California Office of Privacy Protection*

Loopt Buzz

Apr 9th, 2009
Wall Street Journal
Andy Jordan's Tech Diary: Online Hookups Get Geo-Aware.
 People are using location-based social networking to meet strangers online, in their own neighborhood, spontaneously and in real-time. WSJ's Andy Jordan takes a look at Loopt. [read more...](#)

Apr 7th, 2009
GPS Business News
Eric Carr, Loopt: "we are definitely north of 1 million users"
 Eric Carr, Vice President of [Loopt](#). [see all news](#)