

## Your Cable Company Wants to Film You

July 8, 2013 - Ahh, the comforts of home. So what if you want to grab a bowl of popcorn and watch a movie wearing nothing but your BVDs! You're in the privacy of your own home and nobody is watching you. Or, at least nobody is watching you right now. But if cable and satellite TV companies get their way, those days may be coming to an end. That's why two congressmen - Rep. Mike Capuano (D-MA) and Rep. Walter Jones (R-NC) - have introduced the We Are Watching You act in Congress.

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Never mind that the technology already exists for your cable provider to know exactly what you are watching and when. Now they also want to know your reaction to what you are seeing on-screen. What better way to accomplish that than by putting a camera and microphone into your DVR or set-top box?

If you think that sounds farfetched, think again. Verizon has filed for a patent to monitor "ambient actions". They envision a device that can tell when you are eating, talking, "cuddling", and a variety of other things. Other devices under consideration would actually take still photos or videos of anyone sitting in front of the TV and send pictures back to your cable company. Supposedly, the pictures and audio would allow cable providers (and presumably anyone they choose to share this information with) to judge your reaction to what you are watching so they can then "super-target" any advertising you may see.

While all of this may sound like a bone-headed, privacy invading idea with nothing but downside for consumers, advertisers and tech companies appear to be in love with it. Intel, Microsoft and Comcast have all reportedly explored similar technologies.

The legislation being proposed wouldn't stop cable companies from introducing the technology. But it would set the ground rules for its use. As currently written, the We Are Watching You Act would require cable providers to tell consumers that they are filming or recording them. It would force them to tell consumers how the information they glean would be used and who it would be shared with. And it would require consumers to opt-in - meaning that consumers would have to tell their cable provider that they have permission to use this type of technology before they start recording anything.

But the law goes a few steps further than this. Anytime a cable provider starts recording a consumer who opts in, the provider would have a legal requirement to place the warning "WE ARE WATCHING YOU" on their TV screen in an area that is conspicuous and which can easily be read. Additionally, cable providers would have to agree to provide service to anyone who doesn't agree to opt-in. They can't simply say that your choice is to opt-in or completely forego cable service.

It is important to note that at present we are unaware of any company that is using cameras or recording devices in cable or satellite set-top boxes. But there is currently no law that would prevent them from introducing such technology. IF that happened tomorrow, there would be no requirement to warn consumers that they are being filmed.

We would like to see the proposed legislation strengthened by adding two requirements. First, that when consumers are ordering new cable equipment, they be told if the equipment they are ordering contains any technology that would allow for audio or video recording and be given the choice to select an otherwise identical set-top box without the technology. And second, that cable companies not be allowed to charge different rates to those who won't agree to opt-in and allow the use of recording technologies.

With that said, we support the efforts of Representatives Capuano and Jones to get some regulatory legislation in place prior to the time that any company starts to deploy set-top boxes containing recording devices designed to target consumers.

And the next time you sit down with the popcorn to watch a movie, you may want to make sure your hair is combed and you are wearing a suit. You may be on Candid Camera!

by Jim Malmberg

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