

Privacy Tip #396 – FTC Settles with InMarket for Selling Precise Location Information of Consumers

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On May 1, 2024, the Federal Trade Commission (FTC) [announced](#) a settlement with InMarket Media (InMarket), a digital marketing and data aggregator, to resolve the FTC's allegations that InMarket "unlawfully collected and used consumers' location data for advertising and marketing."

The complaint filed by the FTC against InMarket alleged that InMarket collects and aggregates location information about consumers from different sources, including its apps and other third-party apps, then aggregates the location data with other publicly available data to determine consumers' behavior for targeted advertising. The FTC alleged that InMarket failed to properly inform consumers about how it was collecting and using their location data and how it would be combined with other data for targeted advertising. It also alleged that InMarket failed to require that third-party app providers obtain consumers' consent for the use of the location data.

The FTC has been focused on collecting and using location-based services due to this data "including sensitive information about where [consumers] live, work and worship." This marks [one of several settlements](#) in the last year.

The Order prohibits InMarket from "selling, sharing or licensing any precise location data and any product or service that categorizes or targets consumers based on sensitive location data," as well as other provisions related to the destruction of such data from its systems. The FTC's continued enforcement of transparency and consumer consent for the collection and use of location services shows that the FTC is serious about this issue. Those who are collecting and using location services from consumers would do well to take a thorough look at internal processes and procedures, including updating Privacy Policies and consents, to react to the FTC's focus.

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