

The Hogan Lovells logo, consisting of the words 'Hogan' and 'Lovells' stacked vertically in a serif font, set against a light green square background.

Hogan
Lovells

Hopping onto the shopper analytics bandwagon? – Data privacy perspectives from Asia

Many businesses in the retail industry are cashing in on analytics. Analytics provide businesses with invaluable insight on shopper demographics, product needs and marketing strategies. Shoppers also benefit from personalised experiences and targeted promotions. Examples of commonly used analytics technologies by retailers include footfall and heat maps, video camera analytics, mobile phone triangulation and WiFi tracking.

Analysing shopper behaviour is in fact nothing new in the cyber world. E-tailers have always had the benefit of using cookies and web analytics tools to analyse shopper behaviour. But when this happens in brick-and-mortar stores, the issues become more complex. Quite a few shopping malls that trialled shopper-monitoring technologies suffered public backlash to varying extents.

Why do businesses need to take note?

Brick-and-mortar retailers, even if they operate established online stores, realise the potential and value of analytics technologies. More and more are shifting towards this trend. However, if there are inadequate safeguards, such technologies may give rise to data privacy concerns about the use of consumer data without customer consent and customers being tracked in an identifiable way.

Privacy watchdogs in Asia and elsewhere are increasingly conscious of tracking technologies, with a few watchdogs having issued guidance on the issue. How can you ensure that you do not run afoul of privacy laws and relevant guidelines? How do you know if the privacy laws and regulations of a particular jurisdiction apply to you? What kinds of privacy concerns do you need to be aware of? What do you have to do to protect your customers' data?

If you are thinking of adopting analytics technologies or have adopted such technologies, you will need to make a data privacy risk assessment and consider a host of issues. Our Asia-Pacific data privacy team can help you navigate the data privacy regulatory landscape.

Find out how you can maximize benefits arising from analytics technologies while minimizing potential data privacy risks by contacting:



Eugene Low

Partner, Hong Kong
T +852 2840 5907
eugene.low@hoganlovells.com



PJ Kaur

Associate, Hong Kong
T +852 2840 5634
pj.kaur@hoganlovells.com

www.hoganlovells.com

"Hogan Lovells" or the "firm" is an international legal practice that includes Hogan Lovells International LLP, Hogan Lovells US LLP and their affiliated businesses.

The word "partner" is used to describe a partner or member of Hogan Lovells International LLP, Hogan Lovells US LLP or any of their affiliated entities or any employee or consultant with equivalent standing. Certain individuals, who are designated as partners, but who are not members of Hogan Lovells International LLP, do not hold qualifications equivalent to members.

For more information about Hogan Lovells, the partners and their qualifications, see www.hoganlovells.com.

Where case studies are included, results achieved do not guarantee similar outcomes for other clients. Attorney advertising. Images of people may feature current or former lawyers and employees at Hogan Lovells or models not connected with the firm.

© Hogan Lovells 2018. All rights reserved. 00000_000_0000



How we help

We have:

- advised numerous multinationals on Asian data privacy laws
- advised mall operators on their proposed adoption of analytics technologies
- advised on risk mitigation measures
- reviewed analytics technology vendor contracts
- updated retailers' privacy policies to reflect the use of analytics technologies
- advised an online retailer on their proposed adoption of virtual try-on technology for studying customer behaviour

You may also be interested in:

[Asia Pacific Data Protection and Cyber Security Guide 2018](#)

[Hong Kong Consumer Council Report Highlights Trends and Pitfalls in Online Retailing](#)