According to research by Cybra, 7.9 billion RFID tags\(^1\) will be supplied globally to attach to items of clothing in 2017. What do consumers really know and understand about this?

We thought that we would undertake a website survey of some European retailers that are using RFID. While not a complete A to Z of retailers, we looked at the websites of Acne Studios, Bonobo, Burberry, Cache Cache, Decathlon, Gémo, John Lewis, Loewe, Marks & Spencer, River Island, Tape à l’œil, Tesco, Undiz and Zara. On each company’s home page we used two search terms: “RFID” and “radio frequency”. We had results range from the term not being found to questioning whether did we mean “rfid”, “fried”, we also found something about a radio DJ. One site pointed us to RFID blocking wallets that it sells. But sadly, there was nothing to help consumers understand the implications of RFID.

A number of these retailers are members of GS1, the international organisation responsible for retail bar code and RFID (among many other things). GS1 has issued guidelines\(^2\) on the use of RFID on consumer products. Here is an abstract on the section on privacy:

To allow EPC/RFID to realise its potential for consumers, retailers and suppliers, it is important to address privacy concerns prompted by the current state of the technology while establishing principles for dealing with its evolution and implementation. Accordingly, companies spearheading the deployment of EPC/RFID have adopted the following Guidelines for use by all companies rolling out this technology. These Guidelines are intended to complement compliance with the substantive and comprehensive body of national and international legislation and regulation that deals with consumer protection, consumer privacy and related issues.

The Guidelines do not seem to have been followed by retailers. Nor do they appear to have been updated in the light of:

- EN 16571 on an RFID privacy impact assessment, which is more specific than the GS1 spreadsheet approach.
- EN 16570, which specifies how consumers and others should be notified about RFID applications that impact them.
- EN 16656 which recommends the use of a specific emblem, largely adopted by retailers in preference to the ‘EPC cube’ emblem still in the GS1 guidelines.
- The General Data Protection Regulation, which explicitly calls out RFID in the Recitals.

From our research it is impossible to tell whether any advice is being provided by retailers to European customers about RFID, and if so to what level of detail. The emblem might meet the requirements of transparency, but without proper notification and an accessible privacy impact assessment, are consumers being short changed?

The GDPR is about putting the citizen at the centre of privacy. This does not seem to be the approach adopted by retailers who have a responsibility as the data processor.

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\(^1\) https://cybra.com/5-huge-rfid-statistics-2017/
\(^2\) https://www.gs1.org/guidelines-epc