CODE OF CONDUCT ON MOBILE APP TRANSPARENCY

I.   Preamble: Background Regarding the Principles Underlying the Code of Conduct

~~This~~Below is a voluntary Code of Conduct for mobile application ("app") short notices developed through the Multi-Stakeholder Process on Application Transparency convened by the United States Department of Commerce. The purpose of the short form notices is to provide consumers enhanced transparency about the data collection and sharing practices of apps with which consumers choose to interact. This Code of Conduct does not apply to enterprise apps, or to software that a consumer does not interact directly with and that makes a device operate.

This Code of Conduct incorporates guidance from privacy, civil liberties, and consumer advocates, app developers, app publishers, and other entities across the mobile ecosystem. The transparency created by consistently displaying information about application practices as set forth in the code is intended to help consumers compare and contrast data practices of apps. The short notices are intended to enhance consumer trust in app information practices without discouraging innovation in mobile app notice or interfering with or undermining the consumer's experience.

This preamble explains the goals of the Code of Conduct and provides some guidance to developers regarding implementation. However, it does not impose operational requirements beyond those set forth in Sections II., III., and IV. below.

Where practicable, app developers are encouraged to provide consumers with access to the short notice prior to download or purchase of the app.

Some app developers may elect to offer short form notice in multiple languages.

App developers should be aware that there are other Fair Information Practices (FIPs) beyond transparency; app developers are encouraged to adhere to the full set of FIPs.

This Code of Conduct addresses short form notice regarding collection and sharing of consumer information with third parties. App developers should be aware that California's Online Privacy Protection Act and other privacy laws may require app developers to also post a long form privacy policy. ~~Long~~As long form consumer privacy policies constitute a generally accepted best practice, app developers are encouraged to post a long form privacy policy.

Before committing to follow this Code of Conduct, app developers should review their data practices, consider platform requirements, if any, and consider carefully whether they can fulfill all operational requirements, which are set forth below in

Sections II., III., and IV., as implementation may create legal responsibilities. Adopting these principles does not guarantee compliance with any specific state, federal, or international laws or suggested practices.

II.   Short Form Notices

App developers may voluntarily elect to enhance transparency by adopting short form notices. Participating application developers and publishers that implement the Mobile App Code shall set forth:

> (a) the collection of types of data listed in Section II.A. as defined below whether or not consumers know that it is being collected;
> (b) a means of accessing a long form privacy policy, if any exists;
> (c) the sharing of user-specific data, if any, with third parties listed in Section II.B. as defined below; and
> (d) the identity of the company providing the app.

These practices shall be set forth in "short form notices" that convey the information described in Sections II.A. and B. below to app users in a consistent manner that is easy for consumers to read and understand.

The following elements must be displayed in text. An icon may be used along with the text. App developers shall employ a mechanism that facilitates ready consumer access to explanatory information ("parentheticals"). The parentheticals explain the bolded terms listed below in Sections II.A. and B. These parentheticals may be modified as described in Sections III.A.-F.

~~App developers shall not be required to disclose in the short form notice collection or sharing of data that is not identified or is promptly de-identified and where reasonable steps are taken to ensure that the data cannot be re-associated with a specific individual or device. App developers shall be deemed to take such reasonable steps to the extent that they:~~

> ~~(a) take reasonable measures to ensure that the data is de-identified;~~
> ~~(b) commit not to try to re-identify the data; and~~
> ~~(c) contractually prohibit downstream recipients from trying to re-identify the data.~~

A.   Data Collected

~~Each app~~ The short form notice shall inform consumers which of the following data categories ~~it~~the app collects:

- **Biometrics** (information about your body, including fingerprints, facial recognition, signatures and/or voice print.)
- **Browser~~,~~ History** (a list of websites visited)
- **Phone~~,~~ or Text Log** (a list of ~~websites visited, or~~ the calls or texts made or received.)
- **Contacts** (including list of contacts, social networking connections or their phone numbers, postal, email and text addresses~~.~~)
- **Financial Info** (includes credit, bank and consumer-specific financial information such as transaction data.)
- **Health, Medical or Therapy Info** (including health claims and information used to measure health or wellness.)
- **Location** (precise past or current location and history of where a user has gone.)
- **User Files** (files stored on the device that contain your content, such as calendar, photos, text, or video.)

~~Apps~~The short form notice shall not be required to disclose incidental collection of the above data elements if the data element is actively submitted by a user through an open field and the user is not encouraged to submit that specific data element.

If an app as one of its functions permits the purchase of goods or services and does not otherwise passively collect financial information without advance consumer notice, the short form notice is not required to list collection of financial information unless the consumer chooses to make a purchase in which such information is collected or that collection represents a material change from the app's previous short form notice.

Data is not collected when it remains local to the device~~.~~ [and is not transmitted to the app developer or another party].

B.   Data Shared

~~Each app~~The short form notice shall state whether ~~it~~the app shares user-specific data with any category of third-party entity that falls within any of the following:

- **Ad Networks** (Companies that display ads to you through apps.)
- **Carriers** (Companies that provide mobile connections.)
- **Consumer Data Resellers** (Companies that sell consumer information to other companies for multiple purposes including offering products and services that may interest you.)
- **Data Analytics Providers** (Companies that collect and analyze your data.)
- **Government Entities** (Any sharing with the government except where required or expressly permitted by law.)

- **Operating Systems and Platforms** (Software companies that power your device, app stores, and companies that provide common tools and information for apps about app consumers.)
- **Other Apps** (Other apps of companies that the consumer may not have a relationship with.)
- **Social Networks** (Companies that connect individuals around common interests and facilitate sharing.)

~~App developers shall not be required to disclose~~With regard to the collection of user-specific data listed in II.A. by any category of third party listed above, the short form notice shall not be required to disclose such sharing if the app developer does not affirmatively authorize such collection and does not know about such collection before it occurs. App publishers may not consciously avoid knowledge of such collection, and once informed of third party collection, app publishers must either take reasonable steps to prevent collection that is inconsistent with their short form notice or modify their short form notice.

Short form notice shall not be required for sharing with third party service providers where a contract between the app and the third party explicitly: (i) limits the uses of any consumer data provided by the app to the third party solely to provide a service to or on behalf of the app; and, (ii) prohibits the sharing of the consumer data with subsequent third parties.

User-specific data does not include aggregated information that does not include any of the user's personally identifying information, and would not allow that information to be inferred.

C.   Exceptions to Short Form Notice of Collection and Sharing

Short form notice shall not be required for collection or sharing of data that is not identified or is otherwise promptly de-identified and where reasonable steps are taken to prevent the data from being re-associated with a specific individual or device. App developers shall be deemed to take such reasonable steps to the extent that they:

> (a) take reasonable measures to de-identify the data;
> (b) commit not to try to re-identify the data; and
> (c) contractually prohibit downstream recipient with whom they have
>   contracts from trying to re-identify the data and to bind any further
>   recipients from trying to re-identify the data.

The most common app collection and sharing activities for operational purposes as listed below in (a)-(g) are exempt from the short notice requirements in Sections II.A. and B., and include those activities necessary to:

(a) maintain, improve or analyze the functioning of the app;
(b) perform network communications;
(c) authenticate users;
(d) cap the frequency of advertising;
(e) protect the security or integrity of the user or app;
(f) ensurefacilitate legal or regulatory compliance; or
(g) allow an app to be made available to the user on the user's device.

III.   Short Form Design Elements

Given the different screen sizes, form factors, User Interface ("UI") options and range of sensors available on devices, short form notice implementations may vary. To adhere to this Code of Conduct, app developers must ensureimplement the following are implemented consistent with the design of the app:

A.   All applicable data elements as described in II.A, and all applicable entities as described in II.B are listed in text that may be accompanied by or include an icon or symbol that conveys or attracts attention to the information.

B.   App developers may comply with this Code of Conduct by displaying more specific descriptions than that set forth in the explanatory text in sections II.A and II.B. "parentheticals." The more specific descriptions can be used instead of the text suggested, or by displaying more specific information in an additional field.

C.   App developers may list below the categories in Sections II.A. and II.B. that do apply in smaller text than the categories in II.A. and II.B. that do not apply.

D.   Where practicable, participating app developers should display the applicable bolded text in Sections II.A. and II.B. in a single screen.

E.   The short form notice shall enable consumers ready access to explanatory information as set for in this Code of Conduct's "parentheticals" which explain the applicable terms set forth in Sections II.A. and II.B.

F.   Text and font shall be distinct so as to easily stand out from the page background.

G.   The short notice shall be readily available from the application.

H.   This Code of Conduct does not require presentation of a short form notice prior to installation or use of the application.

I.   App developers that materially change their data collection or data sharing practices in a way that results in expanded or unexpected collection or disclosure of data shall notify consumers and may be required to obtain consent under Section 5 of the Federal Trade Commission Act.

IV.   Linkage to Data Usage, Terms of Use and/or Long Form Privacy Policies

In addition to implementing short form notices, participating app developers and publishers shall provide ready access for consumers to each participating app's data usage policy, terms of use, or long form privacy policy, as applicable, and should include explanations of the app's data retention policy, if any exists.