MOBILE APP TRANSPARENCY

I.   Preamble: Principles Guiding App Transparency

This is a voluntary code of conduct for mobile application short notices developed through the Multi-stakeholder Process on Application Transparency convened by the United States Department of Commerce. The purpose of these short form notices is to enhance transparency about apps' data collection and sharing practices.

This code builds on best practices implemented by other industries and incorporates guidance from consumer advocates, app developers, 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, with the goal of enhancing consumer trust in application information practices. This code is drafted to reflect the current state of application practices. As app technology and practices change, transparency practices should evolve to reflect such changes.

This code is intended to balance the objectives of transparency, brevity, and functionality.

- The code is designed to offer meaningful explanations of an app's data collection and data-sharing practices.
- Short form notices should be brief, succinct, and in context that a consumer will understand in order to help to enhance app transparency and understanding in the context of the app.
- App transparency standards should be available in a manner that does not interfere with or diminish the user experience.
- Readily implementable: Short notices should be easy for developers to implement in the context of an app.
- Consumers have a variety of perspectives regarding app data practices. Apps should provide transparency that allows consumers to understand the data practices of apps with which they engage.
- App developers should make a good faith effort to provide consumers with access to the short notice prior to download or purchase of the app.
- Some consumers may choose to share data with apps in exchange for a wide variety of tools, content, and entertainment.
- Some apps will evolve over time and offer fixes, enhancements, and changes to their original functionality. When apps' data policies evolve in material ways, the apps shall promptly update their disclosures to consumers. Apps will make the updated disclosure readily available to users and ensure it is presented prominently.
- App developers recognize that transparency is just one of the fair information practices, and that the app developer should also adhere to the other FIPPs.

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- App developers who adhere to this code of conduct and provide short form notice as described in Section II, are engaging in a practice that is intended to enhance transparency of data practices.
- Some app developers may elect to offer short form notice in multiple languages.

II.   Short Form Notices

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

> (i)   data types as listed in Section II. A as defined below that consumers may or may not know is being collected;
>
> (ii)   the fact that a description of the types of uses of such data can be found in the app's privacy policy;
>
> (iii)   the sharing of user- or device-specific data, if any, with third parties listed in section II. B as defined below; and
>
> (iv)   the identity of the company providing the app.

These practices shall be outlined in "short form notices" that shall convey information to app consumers in a consistent manner that is easy for consumers to read and understand, as described in subsections (A) and (B) below.

Participating apps should display this information in a single screen where possible. The following elements must be accompanied by the text that may be accompanied an icon.

A.   Data Collected

Apps shall inform consumers when they collect the types of data as specifically listed below:

- **Biometrics** (information about your body, including fingerprints, facial recognition, signatures and/or voice print.)
- **Browser History and 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 Information** (Includes credit, bank and consumer-specific financial information such as transaction data.)

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- **Health, Medical or Therapy Information** (including health claims and information used to measure health or wellness.)
- **Location (precise past or curre**nt location and history of where a user has gone.
- **User Files** (files stored on the device that contain your content, such as calendar, pictures, text, and video.)

Apps shall employ a mechanism that facilitates ready consumer access to the parentheticals listed in this subsection [where the bolded term appears].

Apps 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 in no way encouraged to submit the data element.

If app developers acquire data that they promptly de-identify and use only in a manner that is not reasonably linkable to a consumer, computer or device, this usage does not require disclosure in the short form notice. For this purpose, data is not reasonably linkable to the extent that a company: (1) takes reasonable measures to ensure that the data is de-identified; (2) publicly commits not to try to re-identify the data; and (3) contractually prohibits downstream recipients from trying to re-identify the data.

B.   Data Shared
Apps shall state whether they share data with any entities from the following list:

- **Ad Networks** (Companies that display ads to you through apps.)
- **Carriers** (Companies that provide mobile connections.)
- **Consumer Data Resellers** (Companies that buy and/or 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.)

Apps shall employ a mechanism that facilitates ready consumer access to the parentheticals listed in this subsection [where the bolded term appears].

Apps shall not be required to disclose sharing with third party entities where a contract between the app and the third party explicitly:

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(i) limits the uses of any consumer data provided by the app to the third party solely to services rendered to the app; and,
(ii) prohibits the sharing of the consumer data with subsequent third parties.

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, app developers must ensure the following are implemented consistent with the design of the app:

A. All data elements as described in II.A, and all entities as described in II.B are listed in text that may also include an icon or symbol that conveys the information; nothing in this code shall be construed to preclude an app developer from describing data elements or entities with more specificity.

B. Apps shall differentiate between data that is collected and data that is not collected.

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

D. The short notice is readily available from the application. Nothing in this code shall be construed to require a click-through screen prior to installation or use of the application.

E. Apps that materially change their data collection or data sharing practices shall inform consumers.

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 where legally required. These documents should include explanations of:

i. how consumers may request deletion of their data collected by the app, if such deletion is available;
ii. identification of those business affiliates if any, where the data elements identified in this code are being shared; and,
iii. any data retention policies, if any exist.

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Notwithstanding the disclosure requirement stated in IV.ii., app developers shall not be required to disclose sharing of information with business affiliates where a contract between the app and the business affiliate explicitly:

> i. limits the uses of any consumer data provided by the app to the business affiliate solely to services rendered to the app; and,
>
> ii. prohibits the sharing of the consumer data with subsequent third parties.

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