

## **MOBILE APP VOLUNTARY TRANSPARENCY SCREENS**

### **I. Preamble: Principles Guiding App Transparency**

~~The application developers industry, in coordination with leading privacy, civil liberties and consumer advocates, offers these discussion draft transparency screens (hereinafter “Mobile App VTS” or “VTS”) for consideration by all stakeholders in the mobile app ecosystem.~~ The purpose of these short form notices is to enhance transparency about apps’ data collection and third party sharing.

**Commented [EWH1]:** Does not belong in a final draft which would represent the views of the entire NTIA working group.

This ~~Mobile App VTS~~ document builds on the best practices implemented by other industries and incorporates guidance from consumer experts, leading app developers and mobile user interface designers to benefit ~~consumers~~ users. A voluntary model can be the foundation for continued innovation. The transparency created by consistently displaying this information will help ~~consumer~~ users compare and contrast data practices of apps. ~~This will enhance apps and enhance consumer user~~ trust.

**Commented [EWH2]:** Needed clarification: user, consumer and individual are used interchangeably through this draft. To avoid confusion for developers, the word user best describes the intended individual.

~~App developers are committed to earning and keeping consumers’ trust, as this is central to the growth and enhancement of the apps industry. Trust is earned through clear explanations of what each app does and through actions that are consistent with those explanations. The goal is to balance the objectives of transparency, brevity, and functionality.~~

**Commented [EWH3]:** This language is aspirational, not operational. For example, language states that app developers are committed to earning consumers trust.

- ~~• Transparency: Consumers expect clear, succinct explanations of an app’s data collection and third party data sharing policies.~~
- ~~• Brevity: Short form notices must enhance app transparency and understanding in context.~~
- ~~• Functionality: App developers need transparency standards that they can easily implement in the context of an app without diminishing the user experience.~~
- ~~• Consumers hold a spectrum of attitudes towards sharing their data with apps. Consumers’ willingness to share data will vary with context and time, and apps should facilitate those choices.~~
- ~~• Regulators, legislators, and privacy and consumer advocates all seek a fair balance among all of the interests involved, recognizing some consumers’ choice to share data with apps in exchange for a wide variety of tools, content, entertainment.~~
- ~~• Apps will evolve over time to offer fixes, enhancements, and changes to the original functionality. Apps may need to offer new functionality and/or they may need to adapt their business models. When apps’ data policies evolve in material ways, the apps must promptly and prominently update their disclosures to consumers.~~
- ~~• Continued work will need to be done to help integrate the full range of fair information practices with effective methods of transparency for innovative~~

data uses. App developers understand that the implementation of these principles is just one aspect of satisfying consumer expectations and they commit to leading their industry to develop common practices and tools that adhere to fair information practices (these principles include access to personal information, control over storing information and sharing it with third parties).

• App Developers **and those who collect information on behalf of app developers** who adhere to this code of conduct and provide short form notice as described in Section II, are engaging in a best practice that significantly enhances transparency of data practices.

• This code reflects the state of industry best practices for transparency. Although compliance with the code and provision of a short form notice does not guarantee that any individual developer is providing an accurate notice for their specific practices, the authors of this code believe that compliance with the standardization provided by this notice should be a compelling factor serving to limit claims that a notice is deficient.

## II. Short Form Notices

Participating application developers and publishers that voluntarily implement the Mobile App VTS shall detail:

- Data collected from consumers; and,
- Third party data sharing, if any.

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. This should include multiple languages, if possible.

Short form notification are designed to be a concise way that developers can quickly and effectively communicate to the user what data is being collected and how it is being used. Participating apps should display this information in a single screen, where possible. The following elements must be included in the standardized text, which should not change; icons may be added to the standardized text listed but may not replace text; icon or symbolized text.

### A. Data Collected

Apps shall inform **consumer users** when they collect user-associated data from the following categories:

- **User Information** (Full name, address, phone number, and email address)
- **Biometrics** (Data about your user’s body, including fingerprints, facial and other body measurements, signatures and/or voice print, which can be used to independently identify an individual user.)
- **Browser History and Phone or Text Log** (A list of websites the user you’ve visited, or the calls or texts you have the user has made or received.)

**Formatted:** Normal, Indent: Left: 0.25", No bullets or numbering

**Commented [EWH4]:** These two should not be bulleted points because they state specifically the requirements of the document and the terms and conditions.

**Commented [EWH5]:** Are we stating that short form notices are the only way to achieve industry best practice?

**Commented [EWH6]:** This conflicts with the standardized language in the next paragraph. Further this creates additional problems for standardization. What translation dictionary is to be used? Do developers use the dictionary already on the device?

**Commented [EWH7]:** This implies that the language will require change as well. Therefore, on the parenthetical restricting change is in conflict.

**Commented [EWH8]:** Untested design theory that prevents innovation in privacy notification.

**Commented [EWH9]:** The use of “collect” implies that categories where data is not collected do not need to be displayed via short form or other notification method. This appears to be a move away from nutrition style labeling. However, later portions of the draft, specifically section III A-E, imply all categories must be displayed regardless of collection.

**Commented [EWH10]:** Including body measurement in biometrics could lead to confusion as a shoe size or belt size could be collected for customer convenience in shopping. However, this does not appear to be the intent of this section and could confuse developers.

**Commented [EWH11]:** We understand the audience of this draft to be developers who would implement notice. If so, the use of “you” is confusing and in several cases it speaks to users as the audience rather than developers.

- **Contacts** (Includes list of contacts, social networking connections or their phone numbers, postal, email and text addresses.)
- **Financial Information** (Includes credit, bank and ~~consumer user~~-specific financial information such as transaction data, and any that comes from an app market or payment processor.)
- **Health, Medical or Therapy Information** (Including health claims and information used to measure health or wellness.)
- **Location** (Precise past or current location, and history of where you have gone.)
- **User Files** (Files stored on ~~your user's~~ device such as calendar, pictures, text, and video.)

Commented [EWH12]: Past locations covers history.

We anticipate that these data elements may be modified over time in response to advances of technology. App developers shall employ a mechanism that facilitates ready ~~consumer user~~ access to expanded definitions of each data element.

#### 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 users~~ through apps.)
- **App Publisher or Other Apps** (The company that built, owns, or controls the app, or other apps that ~~you the user~~ may not have a relationship with.)
- **Carriers** (Companies that provide mobile connections.)
- **Data analytics** (Companies that collect and analyze ~~your user~~ data.)
- **Government Entities** (Any sharing with the government except where required by law.)
- **Information Brokers** (Companies that buy, sell, or share ~~your user's~~ personally identifiable information to other companies.)
- **Operating Systems and Platforms** (Software companies that power ~~user your~~ device, app stores, and companies that provide common tools and information for apps about ~~app consumers users~~.)
- **Social Networks** (Companies that connect ~~individuals users~~ around common interests.)

Commented [EWH13]: This term is not defined anywhere in this document.

All the standards here may be modified over time in response to advances of technology. ~~App developers shall employ a mechanism that allows for consumers to easily and promptly access expanded, standardized, plain language explanations of each entity. Further, as uses of mobile applications evolves, the categories of data which apps collect will change and so the above categories will need to change as well.~~

~~Notwithstanding the disclosure requirement stated in this section, apps shall not be required to disclose sharing with third party entities where a contract between the app and the third party explicitly:~~

Commented [EWH14]: We applaud the deletion of the paragraph which appeared here in the redline version because it would not represent best practices. However, we want to be clear that this paragraph is truly gone. While the email stated that the clean version controls, it also said that any differences between the two versions were minor.

- ~~(i) limits the uses of any consumer user 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 user data with subsequent third parties.~~

~~—New Collection and Sharing~~

~~As new methods of collection, use and sharing continue to evolve, this Model App VTS will be updated. To facilitate ease of use for app developers and consumers, this Model App VTS identifies well-known and common current practices. If, however, an app collects, uses or shares data that is reasonably likely to be of concern to consumers, it should add these items to their disclosure.~~

**III. Short Form Design Elements**

~~The model short form notices provided in Appendix 1 to this document present potential designs for mobile app transparency. Given the different screen sizes, form factors, User Interface (“UI”) options and range of sensors available on devices, these specific implementations may vary. New methods of data collection, new uses, and new types of devices and sensors may require updates to these forms. To be compliant with this Mobile App VTS, app developers must ensure the following are implemented consistent with the design of the app: Mobile application developers must provide the data described in Section II to the user in a format which presents the data in such a way that the average user can understand and can use to make informed decision. The design of the short form notification must include:~~

- ~~A. All Data Collected described in II.A are listed; and~~
- ~~B. All Data Shared described in II.B are listed;~~
- ~~B. New Types of Collection and Sharing as described in II.C are listed;~~
- ~~B. Items A, B and C to be provided as a list, with items A and B visually separated from each other.~~
- ~~B. Text and font shall be distinct so as to easily stand out from the page background.~~

~~The design must take into account:~~

- ~~1. User testing;~~
- ~~2. Design and implementation of the app; and~~
- ~~3. Limitations and capabilities of the device itself.~~

~~We believe it is necessary to provide notice in multiple languages, and anticipate that some developers will pursue this option. If so, these forms are adaptable to that option. Where necessary, developers shall provide the short form notification in multiple languages.~~

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

**Commented [EWH15]:** Given recent developments, we are concerned that this paragraph could be misinterpreted by concerned users and consumer privacy advocates as allowing information to be passed without explicit or informed notification.

**Commented [EWH16]:** Request clarification here. Must all data elements be listed even if data is not collected? (See Comment 9)

Short form notifications are not the only mechanism by which information about data collection and sharing can be communicated to the user. In addition to implementing short form notices, participating app developers and publishers shall provide ready access for ~~consumer~~ users to each participating app's data usage, terms of use, or long form privacy policy where legally required. App developers shall employ a mechanism that allows for users to easily and promptly access expanded, standardized, plain language explanations of each entity. These links should include explanations of how ~~consumer~~ users may request deletion of their data collected by the app, if such deletion is available.