

**SHORT FORM NOTICE CODE OF CONDUCT TO PROMOTE TRANSPARENCY IN
MOBILE APP PRACTICES**

I. Preamble: Principles Underlying the Code of Conduct

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 that consumers use. This code does not apply to software that a consumer does not interact directly with or to inherent functions of the device. This code also does not apply to apps that are solely sold to enterprises for use within those businesses.

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 displaying information about application practices in a consistent way as set forth in this code is intended to help consumers compare and contrast data practices of apps. These short notices seek 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.

When appropriate, 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 notices about 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 also require app developers to post a long form privacy policy. Because 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., because commitment may create legal responsibilities. Adopting these principles does not guarantee compliance with any specific state, federal, or international laws or best practices.

II. Short Form Notices

App developers and publishers that voluntarily elect to enhance transparency by adopting a short form notice as provided in this Code shall describe in the notice:

- (a) the collection of types of data listed in Section II.A 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 entity providing the app.

These practices shall be set forth in “short form notices” that convey the information described in Sections II.A and B 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. The short form notice shall employ a mechanism that facilitates ready consumer access to explanatory information (“parentheticals”). The parentheticals explain the bolded terms listed in Sections II.A and B. The parentheticals may be modified as described in Sections III. A-F.

A. Data Collected

The short form notice shall state which of the following data categories 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 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 other information used to measure health or wellness.)
- **Location** (precise past or current location of where a user has gone.)

- **User Files** (files stored on the device that contain your content, such as calendar, photos, text, or video.)

The short form notice need not 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 deemed to be collected only if transmitted off of the device.

B. Data Shared

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

- **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 by law or expressly permitted in an emergency.)
- **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.)

Short form notice is not required for sharing consumer data with third party service providers where a contract between the app and the third party explicitly: (i) limits the uses of the 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 or otherwise substantively de-

identified information that does not include any of the user's personally identifying information, and would not allow that identifying information to be inferred.

C. Exceptions to Short Form Notice of Collection and Sharing

1. Short form notice is not required for collection or sharing of data that is not identified or that is otherwise promptly de-identified as long as 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 if 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 recipients of data with whom they have contracts from trying to re-identify the data or from disclosing the data to any other person who has not agreed by contract not to re-identify the data.

2. 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) facilitate legal or regulatory compliance; or
- (g) allow an app to be made available to the user on the user's device.

3. With regard to the collection by the app of data listed in II. A or the sharing of data with any category of third party listed in II.B, the short form notice need not disclose the collection or sharing if the entity providing the notice does not affirmatively authorize such collection or sharing and does not have actual knowledge of, or deliberately avoid obtaining actual knowledge of, such collection or sharing before it occurs. After an app developer or publisher has actual knowledge of such collection or sharing, it must promptly either take reasonable steps to prevent collection or sharing that is inconsistent with its short form notice or modify its short form notice to make an appropriate disclosure.

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. This Code of Conduct allows and encourages flexibility and innovation in short form notice, provided that the notice, consistent with the design of the app, implements

the following elements:

- A. All data categories as described in II.A, and all 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. A short form notice may display more specific descriptions of the data elements collected or of the entities with which information is shared. That information may be conveyed in larger or smaller font than the font of the data element or entity categories.
- C. A short form notice may list the categories in Sections II.A and II.B that do not apply in smaller text, or otherwise distinguish the non-applicable categories from applicable categories.
- D. If an app neither collects categories of data from II.A, nor shares with any entities listed in II.B, nor collects categories or shares with any entities (other than the data collection and disclosures excepted in II. C) , the short form notice may clearly set forth in its short form notice that it "does not collect," "does not share," or "does not collect or share" in lieu of listing the categories or entities.
- E. Where practicable, the short form notice should display the information required under Sections II.A and II.B in a single screen.
- F. A short form notice shall enable consumers ready access to explanatory information as set forth in this Code of Conduct's "parentheticals" that explains the applicable terms set forth in Sections II.A and II.B.
- G. Text and font shall be distinct so as to easily stand out from the page background.
- H. A short notice shall be readily available from the application.
- I. This Code of Conduct encourages but does not require presentation of a short form notice prior to installation or use of the application.
- J. 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 in order to satisfy the requirements under Section 5 of the Federal Trade Commission Act.
- K. Companies who endorse this code may test a notice with consumers before or during implementation. If that user testing, performed in

good faith, shows significant and demonstrable improvement in consumer ease of use or understanding when the short form notice lists only the data elements from the list in II.A that are collected and only the entities listed in II.B with which data is shared or who are authorized to collect data, then those endorsers shall have the option to comply with the Code by displaying only the data elements that are collected, and only the entities with which data elements are shared or who are authorized to collect data.

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 consumers ready access to each participating app's data usage policy, terms of use, or long form privacy policy, as applicable, and if any exists. Participating app developers and publishers should include an explanation of the app's data retention policy, if any exists.