

Mobile Application Transparency Code of Conduct

DISCUSSION DRAFT

I. Entities Providing Transparency

- A. A Mobile Application Provider that collects individually identifiable data from consumers through a Mobile Application should give notice to consumers of data practices associated with each such Mobile Application.
- B. An App Market should offer a consistent method for Mobile Application Providers to give notice as described in I.A before consumers download a Mobile Application, as follows:
 - a. Such method should include one of the following in the submission process for new or updated Mobile Applications:
 - i. An optional data field for a hyperlink to the Mobile Application's notice
or
 - ii. An optional data field containing the Mobile Application's notice.
 - b. An App Market should provide a means for users to report to the App Market any Mobile Application that does not provide notice under I.A.
 - c. An App Market should implement a process for responding to reports that any Mobile Application does not provide notice under I.A.
 - d. Mobile Application Providers are responsible for the content of their notices. While App Markets should enable Mobile Application Provider notice as described in this section, App Markets and other intermediaries should not be held liable for the actions or inactions of Mobile Application Providers.

II. Elements of Transparency

A Mobile Application Provider should include the following information in its notice to consumers, with respect to individually identifiable data collected through the specific Mobile Application for which notice is given:

- A. The name and contact information of the Mobile Application Provider giving the notice
- B. Categories of data collected, including location data
- C. Categories of data uses, including a brief explanation of the purposes for which the application uses personal data and whether the Mobile Application collects data that is not used in the functionality of the Mobile Application

- D. Categories of non-affiliated third parties with which data may be shared
- E. Any choices available to consumers with respect to data practices associated with the Mobile Application and how to exercise such choices
- F. A description of how the entity notifies consumers of material changes to the entity's transparency notice
- G. The fact that the entity adheres to this code of conduct
- H. The effective date of the notice

III. Availability of Transparency

A Mobile Application Provider should give notice to consumers through all of the following:

- A. If a Mobile Application Provider has a Web site, on such Web site,
- B. In physical or temporal proximity to consumers' decision whether to download the Mobile Application through the method offered for this purpose under I.B by each App Market from which consumers may download the Mobile Application, and
- C. Any additional means that makes the notice reasonably accessible to a consumer who is using the Mobile Application, such as a clear and conspicuous link provided within the Mobile Application to the Mobile Application Provider's Web site notice.

IV. Definitions

- A. "App Market" means an entity that is in the business of giving consumers access to Mobile Applications provided by other entities.
- B. "Mobile Application" means a software application that runs in a smartphone, tablet computer, or other portable computing device and that sends or receives data over the Internet.
- C. "Mobile Application Provider" means the entity that owns or controls a Mobile Application.

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