

NTIA Privacy Multistakeholder Process
Mobile Application Transparency
Outstanding Issues – Final List
Updated June 21, 2013

Following the April 4, 2013 meeting, stakeholders submitted the following issues to NTIA for inclusion in the final list of outstanding, unresolved issues concerning the draft code of conduct. Duplicate submissions are combined and related submissions are grouped. A few out-of-scope issues were submitted; those issues are not included on the list. Several issues were submitted by multiple stakeholders. The list is ordered from most-submitted to least-submitted.

At the June 11, 2013 meeting, stakeholders established a process for identifying the critical remaining open issues and closing all other issues. On June 21, 2013, NTIA circulated a revised list that includes only issues that remain open. The original numbering is retained.

The intent of this list is to identify open issues that, when resolved, will signal that the code of conduct is final. The list has been updated to reflect stakeholder decisions through June 21, 2013.

1.	Should the code require that all data categories listed in Sections II.A and II.B be displayed in the short-form notice, or should the code permit apps to display only the data categories that are collected/shared by the app?
2.	<p>C. Should Section III.E be revised to clarify whether: 1) the parenthetical text must be presented beside the bold terms; or 2) whether the bold terms may be presented in a list, with the parenthetical text readily accessible to consumers?</p> <p>D. Should the code permit apps to substitute alternative words for the bold terms (<i>e.g.</i> “friends” instead of “contacts”)?</p> <p>F. Should the code be revised to permit apps to change disclosure formats to adapt to future changes in technology, laws, consumer expectations, and business practices?</p>
4.	In Section II, should the language regarding de-identification be revised?
5.	<p>Should the code of conduct include provisions concerning just-in-time-notices?</p> <p>A. Should the code permit just-in-time notices to substitute for disclosures in the short notice?</p>
6.	<p>How should data disclosures to business affiliates be treated in the code, specifically in light of the language in Section II.B and Section IV?</p> <p>A. Should the term “business affiliate” be defined in the code?</p>
7.	A. Should the code include a provision stating that companies’ compliance with existing laws (<i>e.g.</i> COPPA, Gramm-Leach-Bliley, HIPAA) satisfy the code?

8.	<p>Should the code be revised to clarify the code’s application to direct collection of data by mobile ad networks or other third-parties?</p> <p>A. When third-party service providers collect information directly from mobile app users, should the code limit the app’s disclosure obligations to data collection authorized by the app?</p> <p>B. Should Section II.B be revised to require disclosure only when apps “affirmatively share” with third-parties?</p> <p>C. Should the code be revised to clarify whether data transfers between app developers and app providers pursuant to a contract qualify as “sharing” under Section II.B?</p>
10.	In Section II.A, should the language regarding data that is “actively submitted by a user through an open field” be revised?
11.	A. Should the code be revised to indicate that a notice of material, retroactive changes needs to be presented for a reasonable period of time?
14.	<p>Should the code be revised to make a distinction between: 1) data collection and sharing that is within the expected context of the app; and 2) collection and sharing that is not within the expected context?</p> <p>A. Should Section II.C be revised to include exceptions for content personalization, contextual advertising, or fulfilling requests of users?</p>
18.	<p>Should the code be revised to require disclosure of data sharing under Section II.B only when the data categories specified in Section II.A is shared?</p> <p>A. In Section II.B, should the code be revised to clarify to users how the Section II.A categories and II.B categories are (or are not) linked?</p>
21.	In Section II.A, should “financial information” be limited to financial account information?
22.	In Section II.A, should “location” specify device location?
25.	In Section III.D, should the code be revised to clarify whether apps are required to present full screens or request a click-through at any point?
27.	Should the code be revised to limit adopters’ potential liability exposure?
30.	Should the code be revised to establish a process for updating the code in the future?