Overview of Changes in 7/16/13 Draft Code of Conduct

- Makes clear that either the app developer or the publisher may fulfill the requirements of the Code of Conduct, but that one or the other must do so.

- Narrows the exception to notice of sharing with the government to disclosures required by law or "expressly permitted in an emergency".

- Clarifies that "user-specific information" does not include information that is aggregated "or otherwise substantively de-identified" such that personal information cannot be inferred. -

- Clarifies per Reed Elsevier's suggestion that the service provider disclosure exception does not require binding any other entities than those who receive information directly from the disclosing entity.

- Clarifies per Online Publishers' request that unknowing failures to provide short form notice of information collection or sharing do not violate the Code of Conduct if the entity does not avoid obtaining knowledge of the collection/disclosure and, after learning of it, promptly either stops the activity or amends its short form notice to make the proper disclosure.

- In response to business community concerns about flexibility, revises section III. in the following ways:

    o Changes prescriptive preamble to this section to make clear that the short form notice presentation criteria are designed to promote flexibility and innovation in short form notices.

    o Specifically allows displaying more specific descriptions of what information is collected or shared, as well as the bolded categories in II.A. and II.B. Also allows using larger (or smaller) font for specific data elements collected and entities to which information is disclosed than for the specific descriptions than the bolded categories in II.A. and II.B. This should make clear that entities are not collecting all the information in a category (e.g., "friends", instead of "contacts").

    o Per Mary Culnan's suggestion specifically allows display of II.A. categories of information that are not collected and II.B. entities with whom information is not shared below and in smaller text or otherwise set them apart from the categories that do apply.

    o Allows apps that do not collect any II.A. data or do not share with any II.B. entities simply to say "does not collect" or "does not share" in lieu of presenting a list of II.A or II.B. categories.

- Eliminates bracketed references notice being only of "applicable" II.A. data elements and II.B. entities that would have authorized an "ingredients list" of only the data elements and entities that applied. Substitutes a procedure for company "good faith" testing, which if it "shows significant and demonstrable improvement in consumer ease of use or understanding" with an ingredients list approach over the "nutrition label approach", would allow a company to comply using ingredients list.

- Technical changes throughout to tighten language and make consistent use of terms.