



Apps: regulators across the globe push for data transparency

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“Not in front of the telly: Warning over ‘listening’ TV”. That’s a recent BBC headline highlighting the extensive amount of personal information that new technology is capable of collecting from its users. The same is especially true in the case of mobile applications. For example, Amazon has released “Amazon Echo”, a speaker that uses voice recognition to “hear you from across the room” and sync with your mobile to control your alarms, music and shopping lists; not to mention the development in finger print technology which can be used as an alternative to cookies in tracking website activity.

As technology advances, data protection authorities continue to push for greater transparency in data handling, particularly in the booming industry of mobile apps.

Transparency (or lack of) of data collection

The Global Privacy Enforcement Network (GPEN) Privacy Sweep, which took place in May 2014, found that 5% of the apps surveyed failed to explain clearly how they were collecting, using and disclosing personal information. Further, 59% of the apps left users struggling to find basic privacy information and almost one in three apps appeared to request an excessive number of permissions to access additional personal information. In addition, 43% of the apps had privacy policies that weren’t “mobile friendly” because the information was in too small a print or hidden in lengthy policies that required scrolling or clicking through multiple pages.

Following on from the privacy sweep

In an effort to improve apps’ transparency, a coalition of 23 data protection and privacy authorities from around the world, including Canada, the UK, France, Ireland, Australia and Germany, signed a **Joint Open Letter to App Marketplaces** addressed to the operators of seven mobile app platforms urging them to make privacy policies compulsory for all apps that collect personal information. The letter, dated 9 December 2014, was sent to Apple, Google, Samsung, Microsoft, Nokia, BlackBerry and Amazon.com, but is intended for all companies that operate app marketplaces.

The letter

The letter flags what the coalition calls “an important privacy issue” relating to individuals and the use of mobile apps. The GPEN Privacy Sweep highlighted that there were numerous instances of apps which appeared to collect personal information, but which did not have a privacy policy (or other up-front privacy

Any comments or queries

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information), thus “removing the ability for individuals to be meaningfully informed when making decisions about the collection, use, and/or disclosure of their personal information”. The letter acknowledges that most marketplaces allow app developers to include a link to a privacy policy, but says that this “did not appear to be a mandatory practice”.

The signatories note that app marketplace operators play “a unique and integral role in users’ interactions with apps, made available through their various app stores and app marketplaces”. Further, the app marketplace is an “important consumer landing spot” where individuals can search for new apps, read reviews, and access technical information about a particular app before downloading it. Like any marketplace, there is an expectation that consumer protection issues will be addressed “in a positive and privacy friendly manner”.

The signatories acknowledge that app marketplaces already facilitate communication about a number of matters related to apps, such as details of the app, age rating, size, and version. While privacy policy links sometimes appear in the app marketplace listings, the practice is not consistently applied. Given the wide-range and potential sensitivity of the data stored in mobile devices, the signatories say that privacy practice information (eg: privacy policies) should be a requirement, rather than simply an option, for apps that collect data in and through mobile devices within an app marketplace store. Links to a privacy policy would provide “a simple and convenient manner for individuals to obtain privacy-related information which they need to be meaningfully informed regarding the collection and use of their data before making the decision to download the app”.

In conclusion, the signatories say that app marketplace operators should, “acting as a responsible corporate citizen”, make the basic commitment to require each app that can access or collect personal information to provide users with timely access to the app’s privacy policy. The letter concludes, “We therefore expect a marketplace operator would put in practice, if it has not already, this advice, and implement the necessary protections, to ensure the privacy practice transparency of apps offered in their stores”.

Comment

Privacy policies matter, whoever you are. If you run an app marketplace, then it’s best practice to require all apps that collect personal information to have a decent policy. And if you’re an app developer, you need to actively ensure that your app has a transparent and easy to read privacy policy.

And finally, if you’re wondering where to start, or you want to know how your current policy stacks up, take a look at our top tips for privacy compliance (previously published in our article “Global privacy sweep: why the app market needs to sharpen up” (Volume 14, Number 10)):

1. Be clear and upfront about what personal information will be collected, used and disclosed, and importantly, clearly explain why this information is required.
2. Only collect and process the minimum data necessary for the tasks that you want to perform. If you are not collecting personal information, make this known.
3. Ensure that data is deleted when it is no longer required and avoid or limit the collection of sensitive information.
4. Keep your privacy communications up-to-date so that they always reflect your actual data-handling practices.
5. Stop being legalistic! Be bold – use plain English that is simple to read and understand.

6. Avoid drowning the reader in long, heavyweight privacy policies. Use links to separate key sections and make these snappy and meaningful. Remember we're now in a world of small mobile screens, not old-fashioned websites.
7. Make your privacy policy easily accessible to users, before a user downloads the app.
8. Once the app has been installed, make it easy for your users to review privacy information and change their permissions.
9. Users should not be forced to take onerous steps to discover how their data is being used, for example, by being forced to exit the app or click through to multiple web pages in order to review relevant privacy information.
10. Consider using just-in-time notifications, particularly when more intrusive data is being collected such as GPS location data.

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