

California's Attorney General Releases Privacy Recommendations for Mobile Apps

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California's Attorney General released, on January 10, 2013, a lengthy set of recommended privacy practices aimed at app developers, app platform providers, mobile ad networks, operating system developers, and mobile carriers. The recommendations, entitled *Privacy on the Go: Recommendations for the Mobile Ecosystem*, encourage all players in the mobile marketplace to "minimize surprises to users from unexpected privacy practices" by asking for greater transparency.

The California Attorney General's report urges app developers to consider privacy implications early in the design process and to post transparent, easy-to-read privacy guidelines *before* a mobile app is made available for download. The report advises developers to use "special notices" like icons or pop-ups just before data is collected to alert users about how personally identifiable information is being collected and shared so that users can opt not to proceed. The report further recommends that app developers create a checklist of information to collect and then flag any possible privacy issues, limit the collection of user data that is not necessary for the app's functionality, use encryption to handle data, and limit data retention, among other things.

The California AG's office has made app privacy a priority, by, among other things, commencing a privacy lawsuit last year against Delta Airlines for failing to display its privacy policy in its Fly Delta mobile application and by entering into an agreement with seven of the leading mobile and social app platforms – Apple, Google, Microsoft, Amazon, Hewlett-Packard, Facebook, and RIM – committing them to a set of principles designed to ensure compliance with the California Online Privacy Protection Act.

The guidelines, although they lack the weight and enforcement power of legislation, may represent an early step in the evolution of a standard set of rules for mobile platform privacy policies throughout the United States. To access the AG's report, *Privacy on the Go*, click [here](#).

About the Author

Ms. Bromberg is the head of the firm's Intellectual Property and Licensing Group. She handles all aspects of intellectual property and technology law, including license agreements, technology transfer and vendor agreements, joint development and co-branding agreements, privacy policies, website terms of service, and management of IP litigation (including patent, trademark, copyright, and trade secret litigation). She was named as a New York *Super Lawyer* for Intellectual Property in 2010, 2011, and 2012.

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