

## OIBAAP Announces New Compliance Decisions with Mobile App Makers

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The Online Interest-Based Advertising Accountability Program (OIBAAP) recently announced its first round of decisions on mobile app makers' compliance with the DAA's Mobile Guidance. New decisions involving mobile app makers Spinrilla LLC, Top Free Games, and Bearbit Studios require each company to make changes to the ways in which they provide notice and choice about their interest-based advertising (IBA) practices.

Spinrilla, an app that allows users to listen to digital mixtapes created by emerging artists, agreed to rescind permissions granted to third parties to collect precise location data from users. The company also added enhanced notice links about cross-app IBA to its app's description in the Google and Apple app stores and within the app. In its decision, the OIBAAP further noted Spinrilla's agreement to add enhanced notice of data collection and use on its website.

Two additional compliance decisions centered on apps that appeal to children under 13 (among others) and collected persistent identifiers from such children for IBA purposes. Both Bearbit Studios and Top Free Games agreed to add an "age gate" to flag users under 13 and to prevent collection of personal information from children either by the app itself or by third-party advertising partners. The companies also added enhanced notice links to their listings in the app stores and within each app.

However, OIBAAP specifically noted that Top Free Games "refused to commit to compliance with the DAA Principles going forward on its offerings to users in the United States." As a result, OIBAAP has stated it will "scrutinize" Top Free Games' offerings to U.S. users through "regular ongoing monitoring."

**TIP: The OIBAPP continues to take action to ensure compliance with the DAA Self-Regulatory Principles and has begun enforcement activity in the mobile space with the release of these decisions. Mobile app makers should review their practices to ensure compliance with the principles where applicable.**

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