

## FTC Continues to Examine Children's Mobile Apps

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The FTC has conducted another survey to examine the use of privacy disclosures in mobile apps marketed to children. As we reported this past February, the FTC determined in its first survey that privacy disclosures in the market for children's mobile apps were inadequate and it called on mobile app stores, developers, and third parties to provide greater transparency about their data practices and interactive features of apps marketed to children. Much like the initial report, the FTC has concluded in its most recent study that disclosures in children's mobile apps are inadequate. In contrast to the first survey's methodology, this time the FTC not only examined the disclosures provided about privacy practices and interactive features (e.g., links to social media or in-app ads), but also downloaded the apps and compared their practices to the disclosures. According to the FTC: "The survey results show[] that parents still are not given basic information about the privacy practices and interactive features of mobile apps aimed at kids. Indeed, most apps failed to provide *any* information about the data collected through the app, let alone the type of data collected, the purpose of the collection, and who would obtain access to the data." Also troubling to the FTC was that many of the apps shared specific information—device ID, geo-location, or phone number—with third parties without making any disclosures of such a practice. Finally, many apps contain interactive features, such as advertising, the ability to make in-app purchases, and links to social media, without disclosing these features prior to download. In response to its "disappointing" survey results, the FTC reports that it will take additional steps to increase the focus on the issue of children's mobile app disclosures, including: (1) launching non-public investigations into potential violations of COPPA or Section 5 of the FTC Act; (2) urging the mobile app industry to implement best practices to protect children's privacy, including the principle of "privacy by design," offering parents understandable choices about data collection and sharing, and providing greater transparency about how data is collected, used, and shared; (3) issuing consumer education directed to parents to help them navigate the mobile app marketplace with a focus on their children's privacy; and (4) conducting at least one more children's app survey in the future. Since the report was issued, the Center for Digital Democracy has filed two requests with the FTC asking that it investigate specific kids' mobile app companies.

**TIP: The recent FTC report again emphasizes disapproval of privacy disclosures in connection with children's mobile apps. This type of report is usually the precursor to FTC actions against specific companies. It is thus likely that we will see COPPA cases from the FTC against those in the mobile space in 2013.**

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