

Your Smartphone App Needs a Privacy Policy Says CA AG, App Stores to Implement Requirement

FEBRUARY 23, 2012

For companies that have apps for mobile phones, having a privacy policy is now a must in California. In an interesting move, the California Attorney General reached an agreement with what her office is calling “the six companies whose platforms comprise the majority of the mobile apps market.” Under the agreement, apps must have a privacy policy, and that policy must be available to users *before* they download the app. The AG appears to have derived the authority for this settlement from a California law that requires companies with Web sites or online services to conspicuously post their privacy policies. Under the settlement, the parties have agreed to work with the AG to make it possible for the privacy policy to be easily accessible to users in the app stores. The parties have also agreed to implement a complaint process, through which (1) consumers can report apps that do not comply with their stated terms or with the law and (2) the parties will take steps to respond to those reports. The parties will work with the California AG on best practices for mobile privacy policies, and will meet within six months to evaluate mobile privacy generally. This scrutiny of mobile privacy practices follows in the wake of many class action lawsuits, as well as urgings by the FTC that privacy be addressed in the mobile environment.

TIP: If you do not already have mobile privacy policies in place for your smartphone apps, now is the time to develop them. App stores will be requiring you to have and submit copies of those policies, and will be posting them for users in the app store. The policies should be easy to read on a mobile platform, for example by taking a “layered” approach where straight forward statements can be expanded to provide more detailed information.

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