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Mobile Application Privacy Policy Framework

December 2011

Final, After Public Comment Review

**Issued by the MMA Privacy & Advocacy
Committee**

December 2011

Introduction

The Mobile Marketing Association is the premier, global not-for-profit trade association that works to promote, educate, measure, guide and protect the mobile marketing industry worldwide. In this capacity, we are pleased to introduce the attached Mobile Application Privacy Policy, authored and prepared by the MMA Privacy & Advocacy Committee.

The intent of this privacy policy is to provide the mobile application developer with policy language that can be quickly and completely understood by the consumer.

Goal for the Privacy Policy

*The MMA Privacy & Advocacy Committee intends for this mobile application privacy policy to be used as a starting point for most mobile applications. The policy is designed to address the core privacy issues and data processes of many mobile applications, but should not be considered sufficient by itself to cover all types of applications. There are many areas where many in the mobile marketplace are experimenting with privacy enhancing technologies, and we applaud those efforts. The core goal for this privacy policy framework is to encourage the mobile application developer community to continue to move consumer privacy interests forward. **We strongly encourage those using this model policy to consult an attorney and/or privacy professional when crafting your own policy.***

Instructions for using this Privacy Policy

The policy that follows contains two kinds of annotated instructions. The first, *in blue italics*, provide the app developer specific advice on the use of the core principles contained herein. The second, **[IN BLUE CAPS, and within brackets]**, are sections that need to be uniquely tailored by the app developer to the specifics of their application and its use of consumer information. ***In all cases, the app developer should consult with legal counsel or privacy professionals to ensure that your policy and compliance procedures are in alignment.***

MMA Privacy & Advocacy Committee Member Companies

This committee is co-chaired by Alan Chapell, President of Chapell & Associates, and Fran Maier, President of TRUSTe, and the MMA is grateful to them for their leadership and commitment to all of our privacy initiatives.

3Cinteractive

4INFO, Inc.

Acxiom Corporation

Aegis Mobile, LLC

Air2Web

Alcatel-Lucent

AT&T AdWorks

Cellfish Media LLC.

CellTrust Corporation

Cha Cha Search, Inc.

Chapell & Associates

Collider Media, Inc.

comScore, Inc.

CTIA

Future Of Privacy Forum

g2

Handmark Inc.

Hogan Lovells US LLP

ImServices

Inmar

InMobi

JumpTap

Media Contacts

Medialets, Inc.

Millennial Media, Inc

Microsoft

Mobclix

Mobile Intelligence Solutions, Inc.

Mojiva, Inc

Motricity

MTV Networks

Neustar, Inc.

Nexage, Inc.

OpenMarket

Pontiflex

Poynt Corporation

Predicto Mobile LLC

PreEmptive Solution

Procter & Gamble

Safecount

Smiley Networks, Inc.

Sprint-Nextel

Syniverse Technologies

The Nielsen Company

TRUSTe

Turner Broadcasting System, Inc.

Unilever

Velti

Verizon Wireless

Vibes Media

WHERE, Inc.

Yahoo!

Mobile Application Privacy Policy (Annotations for guidance) 15Dec2011

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This privacy policy governs your use of a software application (“Application”) on a mobile device that was created by [APPLICATION DEVELOPER NAME.] The Application includes [BASIC DESCRIPTION OF APP features, functionality and content such as: games, news, messages, and more.]

What information does the Application obtain and how is it used?

This section is designed to inform Users of the types of data that the app obtains and how that information is used. While we’ve provided several types of data that are often obtained by apps, the App Developer should make a reasonable attempt to ensure to provide Users with a clear, illustrative list of the most important data points obtained by each app. Moreover, the model policy attempts to draw a distinction between data that is provided directly by a User (“User Provided Information”) and data that is collected automatically by the Application (“Automatically Collected Information”). The MMA recognizes that this distinction may not be in harmony with the data privacy practices of all Applications, and therefore encourages App Developers to work to an attorney and/or privacy professional to ensure that the information they provide in this section is in line with the actual data flows for each Application(s).

User Provided Information – The Application obtains the information you provide when you download and register the Application. [IF APPLICABLE] Registration with us is optional. However, please keep in mind that you may not be able to use some of the features offered by the Application unless you register with us.

[IF APPLICABLE] Registration with us is mandatory in order to be able to use the basic features of the Application.

Mobile application developers should be aware that certain types of data, for example, medical records and certain types of financial information may be subject to existing privacy law. Application developers creating apps that collect potentially sensitive information are

encouraged to obtain counsel to ensure that their data collection policies are in line with current law in the jurisdiction(s) where the app may be used.

When you register with us and use the Application, you generally provide [INSERT A REPRESENTATIVE LIST HERE – A FEW TYPICAL EXAMPLES ARE PROVIDED FOR REFERENCE]: (a) your name, email address, age, user name, password and other registration information; (b) transaction-related information, such as when you make purchases, respond to any offers, or download or use applications from us; (c) information you provide us when you contact us for help; (d) credit card information for purchase and use of the Application, and; (e) information you enter into our system when using the Application, such as contact information and project management information. We may also use the information you provided us to contact you from time to time to provide you with important information, required notices and marketing promotions.

If the Application collects information from and/or for social networking platforms (e.g., pulling contact information, friends lists, login information, photos or check-ins) the Application should ensure that the prior consent of the user is obtained.

Automatically Collected Information - In addition, the Application may collect certain information automatically, such as [INSERT A REPRESENTATIVE LIST HERE – a few typical examples are provided for your reference] the type of mobile device you use, your mobile device's unique device ID, the IP address of your mobile device, your mobile operating system, the type of mobile Internet browsers you use, and information about the way you use the Application. See "Automatic Data Collection and Advertising" section for examples.

Does the Application collect precise real time location information of the device?

This section is only applicable if the Application collects precise, real-time location information. Non-precise location information such as geo-targeting (e.g., zip code or city) data is typically addressed elsewhere in the privacy policy (e.g., the section entitled "automatic data collection and advertising.")

[IF No] This Application does not collect precise information about the location of your mobile device.

[IF Yes] This application does collect precise information about the location of your device. [INSERT A GENERAL DESCRIPTION OF HOW THIS IS DONE IN A WAY THAT IS CLEAR TO AN AVERAGE CONSUMER.]

We use your location information to Provide requested location services, and [INSERT A LIST OF OTHER USES (E.G., TO ALLOW TAGGING, OR TO CHECK-IN) AND IF APPLICABLE, DESCRIBE THE CIRCUMSTANCES WHERE PRECISE LOCATION DATA IS SHARED WITH THIRD PARTIES FOR THEIR INDEPENDENT USE.]

[IF APPLICABLE] You may at any time opt-out from further allowing us to have access to your location data by [state how user can manage their location preferences either from the app or device level]. For more information, please see the section below entitled “opt-out rights.”

Do third parties see and/or have access to information obtained by the Application?

Generally, app developers will want to have the right to transfer information collected by the app under certain circumstances. For example, if the app developer sells the app, the developer may want that information collected by the application transferred as part of the sale. While we’ve provided some of the more common examples of data transfer to third parties, app developers are encouraged to work with counsel and/or privacy professional to determine if other examples should be included in their policy.

Yes. We will share your information with third parties only in the ways that are described in this privacy statement.

We may disclose User Provided and Automatically Collected Information:

- as required by law, such as to comply with a subpoena, or similar legal process;
- when we believe in good faith that disclosure is necessary to protect our rights, protect your safety or the safety of others, investigate fraud, or respond to a government request;
- with our trusted services providers who work on our behalf, do not have an independent use of the information we disclose to them, and have agreed to adhere to the rules set forth in this privacy statement.
- if [APP COMPANY NAME] is involved in a merger, acquisition, or sale of all or a portion of its assets, you will be notified via email and/or a prominent notice on our Web site of any change in ownership or uses of this information, as well as any choices you may have regarding this information;

- **[IF APPLICABLE]** to advertisers and third party advertising networks and analytics companies as described below under the Section entitled Automatic Data Collection and Advertising.

Automatic Data Collection and Advertising

Mobile application developers should be aware of which mobile advertising networks and other third parties they are working with in order to determine if that ad network or other third party is offering an opt-out. At a minimum, application developers should take into account whether the app is advertising supported and whether data is obtained by an ad network or other third party for the purpose of ad targeting.

[IF APPLICABLE] This Application is supported via advertising, and collects data to help the Application serve ads. **[IF APPLICABLE]** We may work with analytics companies to help us understand how the Application is being used, such as the frequency and duration of usage. **[IF APPLICABLE]** We work with advertisers and third party advertising networks, who need to know how you interact with advertising provided in the Application which helps us keep the cost of the Application low **[or free]**. Advertisers and advertising networks use some of the information collected by the Application, including **[IF APPLICABLE]** the unique identification ID of your mobile device and **[IF APPLICABLE]** your mobile telephone number. To protect the anonymity of this information, we use **[IF APPLICABLE]** an encryption technology to help ensure that these third parties can't identify you personally. These third parties may also obtain information about other applications you've downloaded to your mobile device, the mobile websites you visit, your non-precise location information (e.g., your zip code), and other non-precise location information in order to help analyze and serve anonymous targeted advertising on the Application and elsewhere. **[IF APPLICABLE]** We may also share encrypted versions of information you have provided in order to enable our partners to append other available information about you for analysis or advertising related use.

If you'd like to opt-out from third party use of this type of information to help serve targeted advertising, please visit the section entitled "Opt-out" below.

What are my opt-out rights?

Mobile application developers should be aware of which mobile advertising networks and other third parties they are working with in order to determine if that ad network or other third party is offering an opt-out. We recognize that the mobile marketplace continues to experiment with different types of opt-out mechanisms – and strongly encourage the mobile application developer community to participate in these experiments to the benefit of consumer privacy interests.

There are multiple opt-out options for users of this Application:

Opt-out of all information collection by uninstalling the Application – You can stop all collection of information by the Application easily by uninstalling the Application. You may use the standard uninstall processes as may be available as part of your mobile device or via the mobile application marketplace or network.

[IF APPLICABLE] Opt-out from the use of information to serve targeted advertising by advertisers and/or third party network advertisers

[IF APPLICABLE] You may at any time opt-out from further allowing us to have access to your location data by [state how user can manage their location preferences either from the app or device level].

Data Retention Policy, Managing Your Information

We will retain User Provided data for as long as you use the Application and for a reasonable time thereafter. If you'd like us to delete User Provided Data that you have provided via the Application, please contact us at privacy@XXXXXX.com and we will respond in a reasonable time. Please note that some or all of the User Provided Data may be required in order for the Application to function properly, and we may be required to retain certain information by law.

Children

Mobile application developers should be aware of and ensure that the app and the app developer's privacy practices are in compliance with the Children's Online Privacy Protection Act (COPPA). Developers should pay particular attention to COPPA when creating apps that contain cartoon characters or other features that may cause the app to be perceived as being directed towards children under 13. Application developers creating apps that might be governed under COPPA or similar laws are encouraged to obtain counsel to ensure that their data collection policies are in line with current law in the jurisdiction(s) where the app may be used.

We do not use the Application to knowingly solicit data from or market to children under the age of 13. If a parent or guardian becomes aware that his or her child has provided us with information without their consent, he or she should contact us at privacy@XXXXXX.com. We will delete such information from our files within a reasonable time.

Security

Application developers should ensure that their security procedures are reasonable, and should provide an overview of their security procedures below.

We are concerned about safeguarding the confidentiality of your information. We provide physical, electronic, and procedural safeguards to protect information we process and maintain. For example, we limit access to this information to authorized employees and contractors who need to know that information in order to operate, develop or improve our Application. Please be aware that, although we endeavor to provide reasonable security for information we process and maintain, no security system can prevent all potential security breaches.

Changes

Application Developers should be aware that retroactive, material changes to privacy practices generally require the prior consent of the User.

This Privacy Policy may be updated from time to time for any reason. We will notify you of any changes to our Privacy Policy by posting the new Privacy Policy here [INSERT URL] and [AS APPLICABLE, IF THE APPLICATION OBTAINS EMAIL AND/OR PHONE #] informing you via email or text message. You are advised to consult this Privacy Policy regularly for any changes.

Your Consent

By using the Services, you are consenting to our processing of User Provided and Automatically Collection information as set forth in this Privacy Policy now and as amended by us. "Processing," means using cookies on a computer/hand held device or using or touching information in any way, including, but not limited to, collecting, storing, deleting, using, combining and disclosing information, all of which activities will take place in the United States. If you reside outside the U.S. your information will be transferred to the U.S., and processed and stored there under U.S. privacy standards. By using the Application and providing information to us, you consent to such transfer to, and processing in, the US.

Contact us – If you have any questions regarding privacy while using the Application, or have questions about our practices, please contact us via email at Privacy@XXXXXX.com.