

## Extent of the Draft

CDT feels this draft code of conduct doesn't seem equipped to achieve the purpose for which the MSH stakeholders were convened — the development of an iterative, practical \*implementation\* of privacy principles that give users and businesses certainty. A “code of conduct” should instead be a fairly detailed document that specifies how platforms (“app markets”) and mobile applications (“apps”) communicate to consumers how their data is collected, processed, stored, shared and disposed of. Any code of conduct needs to leave very little doubt in the mind of consumers as to the transparency obligations placed on apps and app markets that agree to adhere to such a code.

## Substance of the Draft

The proposal talks about “individually identifiable data”. In contrast, the CA State Attorney General Agreement, that shares some of the elements of this code, talks about “personal data”. CDT feels that a definition of “individually identifiable data” should make it clear that any data linked to a person or device — i.e., either identifying a person via personal information or identifying a device via a unique identifier — is covered by the code and subject to transparency requirements. This may be as easy as adding a definition to the end for “individually identifiable data” since this term is not defined.

Section II seems to miss a few key areas of substance that CDT feels any code of conduct for data transparency should contain. In addition to those elements listed:

- There should be clear disclosure about the potential for an app provider to use data for purposes other than the purpose for which it was collected.
- The code should require app providers to disclose and commit to some definite period of time for retaining data.
- Apps should state to what degree they would append offline data from other sources to collected data (e.g., data brokers). They should specify the nature of that offline data and what this data combination allows the app to do that it could not otherwise do with just the collected data.

Finally, a cosmetic comment: the code skips Roman numeral IV in the list, so Section V should be Section IV.