

Mobile App Privacy Developments In California

By: Peter S. Bauman, Esq.

<http://commercialcounselor.com/>

The Attorney General of California has begun sending non-compliance letters to mobile app developers who are not complying with the State's privacy laws because their apps do not have a privacy policy. The apps targeted are available through the Apple App Store and Google Play platforms.

The [California Online Privacy Protection Act](#) ("CalOPPA") requires that commercial web sites and online services post a privacy policy that, among other things, is conspicuously posted and reasonable accessible by the consumer, if the site collects personally identifiable information via the Internet about individual consumers who use or visit the site and reside in California.

Failing to post a privacy policy within 30 days after receiving notice of non-compliance is a violation of CalOPPA and can result in penalties of up to \$2,500 for each violation. As the Attorney General's Office points out, that means \$2,500 for each copy of an unlawful app downloaded by California consumers. [Download [Sample Letter of Non-Compliance from Attorney General's Office](#)]

Mobile apps that receive the non-compliance letter have 30 days to respond with their plan and timeline for compliance, or why they believe their app is not covered.

Under CalOPPA, a privacy policy must:

- Identify the categories of personally identifiable information that the operator collects
- Identify the categories of third-party persons or entities with whom the operator may share that personally identifiable information
- Provide a description of any process the operator maintains for an individual consumer to review and request changes to any of his or her personally identifiable information
- Describe the process by which the operator notifies consumers who use or visit its commercial Web site or online service of material changes to the operator's privacy policy
- Identify its effective date

Mobile app developers and online sites/services should make sure that they maintain a compliant privacy policy if their site/app collects "personally identifiable information" as that term is defined under California law. [see [Cal. Business & Professions Code, Section 22577\(a\)](#)]

Link to original article: <http://commercialcounselor.com/mobile-app-privacy-developments-in-california/>

For over 35 years small businesses, major corporations, public entities, individuals and insurance companies have depended on Tharpe & Howell, LLP, to deliver pragmatic, innovative, cost-effective civil litigation and transactional solutions. For more information, please contact us at (818) 473-5720 or email your request to cabusinesslawreport@tharpe-howell.com.