

FW: Making Your Privacy Practices Public - It's out!

All –

The California Attorney General has released her long-awaited document interpreting CalOPPA's new DNT rules.

The [guide](#), which is couched as a "best practices" document, and not necessarily legal guidance, states that "its recommendations . . . which in some places offer greater privacy protection than required by existing law, are not regulations, mandates or legal opinions. Rather, they are part of an effort to encourage the development of privacy best practices."

I guess we'll see about that. "Recommendations" have a way of hardening into "expectations" over time.

The recommendations in the new guide include the following:

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- Prominently label the section of your policy regarding online tracking, for example: "California Do Not Track Disclosures."
- Describe how you respond to a browser's Do Not Track signal or similar mechanisms within your privacy policy instead of providing a link to another website.
- If third parties are or may be collecting personally identifiable information, say so in your privacy policy.
- Explain your uses of personally identifiable information beyond what is necessary for fulfilling a customer transaction or for the basic functionality of the website or app.
- Describe what personally identifiable information you collect from users, how you use it and how long you retain it.
- Describe the choices a consumer has regarding the collection, use and sharing of his or her personal information.
- Use plain, straightforward language that avoids legal jargon and use a format that makes the policy readable, such as a layered format. Use graphics or icons instead of text.

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The document itself is attached. We'll have a memo for you on it shortly.

Best regards,

Reed

From: Joanne McNabb [<mailto:Joanne.McNabb@doj.ca.gov>]
Sent: Wednesday, May 21, 2014 11:14 AM
Subject: Making Your Privacy Practices Public - It's out!
Importance: High

This morning Attorney General Kamala D. Harris released *Making Your Privacy Practices Public: Recommendations on Developing a Meaningful Privacy Policy*, which includes recommendations on the new DNT disclosures. Thank you all for your contributions. I hope you will find the guide helpful.

It is available through the press release here: <http://oag.ca.gov/news/press-releases/attorney-general-kamala-d-harris-issues-guide-privacy-policies-and-do-not-track>

And also on this page of the Privacy mini site: <http://oag.ca.gov/privacy/business-privacy>.

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