



 **ACT** | The App Association

Writing a Privacy Policy 101





Writing a privacy policy can be a daunting exercise for a small company, especially when you don't have a legal department. Despite their challenges, privacy policies are something all apps and websites should have. They come in different shapes, sizes, lengths, and languages, but they have one thing in common: all privacy policies tell your consumers what data you collect and what you do with that data. Anyone can write a privacy policy, but it is important to ensure you are accurately describing your data collection, sharing, and protection practices to maintain consumers' trust and understanding of your services.

Here are a few things to think about when writing your policy:

- ***Each policy should consider these three key principles:***

1. **Privacy:** Your policy should be clear, transparent, and outline not only your data collection practices, but also your data protection practices.
2. **Integrity:** Be clear about any third parties you work with (like advertisers, analytics services, etc.) and explain the access they have to your consumers' data and how they are expected to treat it.
3. **Consumer First:** Consumers should have the ability to access, change, and delete their data within reason. Your privacy policy should clearly state how a consumer can contact you with questions.

- ***Your privacy policy is a living document.*** The policy can always change, just as your data collection practices can change, but should always be accurate. If you aren't currently collecting analytics but might in the future, your privacy policy should say you **DO NOT** collect analytics. When you add analytics to your app, then you should update your policy and inform consumers that the change has been made.
- ***Disclose, disclose, disclose.*** If you collect any data of any kind, you should describe it in your privacy policy. If you are using a company to help you collect that data, you should mention their name in your policy. Don't collect any data? You should explain that in your policy.
- ***Data you collect from your website is not the same as data you collect from your app.*** There should be a clear distinction between your website practices and your app practices if you collect information through both.

We've created a list of questions you should answer for consumers in your privacy policy. These questions will help shape your privacy policy; this list is focused on the essentials of a privacy policy and is by no means exhaustive. If your app is collecting health information, financial information, or information pertaining to children 13 years old or under, [take a look](#) at some of our additional resources to make sure your privacy policy covers any and all requirements.



Questions:

1. Do you need a privacy policy? (We think the answer should always be yes. Even if you aren't collecting data from your consumers, you should clearly inform your users that you aren't collecting any data from them or their devices.)
2. What data is collected? Is it just names or also email addresses? Do you collect device identifiers? Are you using analytics?
3. How is the data collected? Is it automatic? Does the consumer fill out a form? Does the consumer have to opt-in or out of any data collection or access?
4. How do you use your consumers' data? Do you use it in order to provide additional services?
5. Can your consumers access their data? How? Is there a way for them to contact you with questions or to request access or a change to their data? Can the consumer ask to have their data or account deleted?
6. When and why do you disclose your consumers' data? Can they opt-out of the disclosure? Is their data ever disclosed for marketing purposes?
7. If you work with a third party, how are they expected to treat your consumers' data?
8. Do you collect cookies and/or Unique Device Identifiers (UDIDs)? How do you use that information?
9. Do you have a robust security risk management program? What do you do if there is a breach of your consumers' data?
10. Where is your data stored? Do you use cloud service providers with locations outside of the U.S.?
11. If a consumer deletes their data, how long to you keep it?
12. If your company is acquired, how is the new company expected to treat your consumers' information?



Here are a few more tips and tricks to write an effective and transparent privacy policy:

DO

- Do use plain English. Making your privacy policy clear and easier to understand helps establish trust between you and your consumers.
- Do be transparent in your privacy policy. It should cover all your data collection practices and discuss consumer data is used. Be clear about the kinds of third parties you use, and how you expect them to treat your consumers' data.
- Do make sure your privacy policy is well organized. Often it helps to include a table of contents and/or summary of your privacy policy that shows the areas covered in detail. Starting with that list can help ensure your policy is well organized and easy to follow.
- Do make sure your privacy policy is easily accessible on your website, through your app, and in app stores.
- Do make it easy for your consumers to contact you with questions about your privacy policy. We suggest including an email address and a physical address.

DONT

- Don't think you don't need a privacy policy because you collect little or no data from consumers. It is always better to have a privacy policy than to not to have one.
- Don't say you "may" or "may not" collect a certain data point or share data in a certain way. Remember that your privacy policy is a living document and can change along with your data collection and use practices.
- Don't copy and paste from other privacy policies. Using your own words to describe your privacy practices makes your policy easier to understand and will more accurately reflect your policies and practices.
- Don't be too wordy. While a lot of privacy policies use a lot of legal jargon, the best privacy policies are clear and concise.
- Don't be overly broad/vague. You run the risk of putting yourself and your consumers' data in a sticky situation without clear policies in place.



Still have questions? You can always [contact us!](#)

Below, you'll also find a few resources to help you start, write, and improve your privacy policy.

[Iubenda](#) is an online privacy policy tool. Through their platform, you answer questions about your privacy practices, and Iubenda generates a privacy policy for you.

The Office of the National Coordinator (ONC), a brand of The Department of Health and Human Services (HHS) has an online tool aimed at developers of health apps. Through their online tool, you enter information about your privacy practices and the tool helps generate a privacy notice.

The Better Business Bureau created a [sample privacy policy](#) you can use as a guide when crafting your own policy.