ADMINISTRATIVE CLOSURE
Case Number 98-2019

DATE: May 22, 2019

IN RE: FIRST-PARTY MOBILE APP PUBLISHER

Summary:

The Online Interest-Based Advertising Accountability Program has exercised its discretion under its Procedures to close an inquiry regarding a first-party mobile app publisher when it was determined that the company in question was not engaged in interest-based advertising (IBA) at the time of its review.

As part of its monitoring activities, the Accountability Program routinely reviews a number of mobile apps for compliance with the DAA Principles. As part of these efforts, the Accountability Program partnered with its sister program, the Children’s Advertising Review Unit (CARU), to review a selection of apps that appeared to be directed at children. This closure disposes of the Accountability Program’s portion of this review.

Using the Accountability Program’s testing equipment, we found evidence that suggested that the company in question was authorizing third-party data collection for IBA through one of its apps that we had selected for review. This raised potential issues under the OBA Principles’...
Sensitive Data Principle. This provision requires that covered companies which collect personal information for IBA do so only in compliance with the Children’s Online Privacy Protection Act of 1998.\(^5\)

Following their initial review, the Accountability Program and CARU sent a joint inquiry letter to the company in question describing their findings. The company’s response, which included detailed descriptions of its data collection practices, demonstrated to the satisfaction of the Accountability Program that the company had no outstanding compliance issues. As a result, the Accountability Program exercised its discretion to close this case without further action, as the company had taken affirmative steps to prevent third parties from engaging in IBA on the mobile app at issue.

When a company’s response to the Accountability Program’s inquiry demonstrates that the company has not violated the DAA Principles, the Accountability Program will normally close the case administratively. Here, the Accountability Program was pleased to find that the company in question cooperated fully with the inquiry and provided evidence that demonstrated that the company did not allow third-party IBA through the mobile app in question at the time of its review.

**DISPOSITION:**

Administratively closed.

Jon M. Brescia  
Director, Adjudications and Technology  
**Online Interest-Based Advertising Accountability Program**

\(^5\) *Complying with COPPA: Frequently Asked Questions,* at § A.3 (last visited Sep. 14, 2017) available at https://www.ftc.gov/tips-advice/business-center/guidance/complying-coppa-frequently-asked-questions. (“The amended Rule defines personal information to include...A persistent identifier that can be used to recognize a user over time and across different websites or online services.”) *See also* 15 U.S.C § 6501(8).

\(^6\) *OBA Principles* § VI.A. at 16-17. (“Entities should not collect ‘personal information,’ as defined in the Children’s Online Privacy Protection Act (“COPPA”), from children they have actual knowledge are under the age of 13 or from sites directed to children under the age of 13 for Online Behavioral Advertising, or engage in Online Behavioral Advertising directed to children they have actual knowledge are under the age of 13 except as compliant with the COPPA.”); *see COPPA,* 15 U.S.C. §§ 6501-6505.