

September 24, 2012

My name is Timothy Burks and I make apps for iPhones and iPads. I began in 2008, and currently consult and publish apps independently through my company, Radtastical Inc. I am primarily skilled as a computer scientist, having previously worked in the field of computer-aided design and holding a Ph.D. in Computer Science and Engineering from the University of Michigan.

In March of 2008, I founded the Silicon Valley iOS Developers, Meetup group, which I continue to lead and organize. We meet monthly and discuss topics of interest to app developers. This year our events have covered design, patent law, marketing, and many technical topics. In June, we featured several top educational app developers on iOS and a local fourth grader who had started an app testing business. Over 5000 developers have "joined" my meetup group by registering online, and typically we have 100-200 people at our events. Our most recent event had 250 in attendance.

As an outgrowth of my meetup group, I am planning a three-day iOS developer conference for January 2013, and one of our topics will be "Privacy and Analytics". Here's the session description, from <http://renaissance.io/sessions>:

*Use analytics to improve your apps while safeguarding your users' privacy.*

*Analytics is big business, and has fueled the growth of small app teams into companies of hundreds or thousands of people. Analytics can be a great way to get feedback on our apps, but as the app market matures, consumers and enterprises are increasingly sensitive to the information that we collect. We'll look at some analytic solutions and best practices, and then discuss what every developer needs to know about privacy.*

Personally, I am a parent of six young people, ages 6, 11, 13, 15, 17, and 19, and in that capacity I am acutely aware of educational and privacy issues. I commend the work on COPPA and urge you to hold firmly to the task of protecting our and our children's privacy.

Over the past four years, in both my business and my meetup group, I've seen huge growth and rapid changes in mobile applications. In-app purchases did not exist at the beginning or even two years ago. Similarly, user-tracking and in-app advertising have spawned thriving industries on mobile devices. However, developers move quickly, and as quickly as these new businesses have appeared, new ones can arise to adapt to change. One of my close friends likes to say: "Business models do not have a right to life." We must put people and privacy first, and I believe there is a role for government and legislation in this.

It is also in our national and global interest to innovate. I have heard claims that COPPA compliance could add \$10,000 to the costs of app creation. This is not a large barrier to most significant businesses, but the world of app development thrives on experimentation and rapid change, and such costs would have a chilling effect on creativity and in-

novation. I have also heard that app distributors such as Apple could be held legally responsible for privacy violations in apps they distribute. This too would have a chilling effect, and would lead to fewer apps being published and less innovation.

Here are some characteristics that I would seek in a public policy about privacy:

- 1) Transparency. All aspects of the policy would be accessible to all. There must be no "back doors" or "inside tracks" for well-connected insiders or lobbying groups.
- 2) Simplicity. The policy should be quickly and easily digestible. App developers and parents should not need to hire legal representation in order to engage with one another through apps.
- 3) Standardization. Just as the MPAA has done with movie ratings, a standard set of app privacy policies should exist. These policies would be well-defined and would clearly inform developers and consumers of what is expected behavior.
- 4) Accountability. There must be clear penalties for privacy violations, and these must be applied directly at the point of infringement, to the infringing app maker. App distributors and third-party service providers should not be liable when app developers misuse legitimate services to infringe on the privacy of children. But adhering to simplicity, violations must be clearly identifiable and easily adjudicated, and third-party service providers must fully disclose their information-collecting activities.
- 5) Integrity. Privacy policy must be about protecting the privacy of people, especially children. It should never be about protecting the interests of any business or industry, no matter how well-represented. In every decision, I respectfully request that you double-check your work with the question "Is this good for our children?" I write trusting that this is your driving motivation.

Thank you for your interest and attention.

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