

## **Global Privacy Enforcement Network Internet ‘Privacy Sweep’.**

At the beginning of the year the Office of the Data Protection Commissioner volunteered to participate in the Global Privacy Enforcement Network’s (GPEN)<sup>1</sup> internet sweep along with federal and regional privacy enforcement authorities from Australia, Canada, Estonia, Finland, France, Germany, Hong Kong, Macao, New Zealand, Norway, UK, & USA.

The first Internet ‘Privacy Sweep’ took place during the week of May 6-12, 2013.

The theme of the sweep was **Privacy Practice Transparency**. The Privacy Sweep entailed a trawling by participating authorities of a set number of websites/mobile apps in a coordinated effort to assess the privacy practices of organisations as outlined in the privacy policies on their websites or within their mobile applications. The approach adopted by reviewers was to try to replicate the consumer experience by spending a few minutes per site checking privacy policies against a set of common indicators:

- . **Does the web site have a privacy policy?**
- . **How difficult is it to find information about the site's privacy practices?**
- . **Is contact information for addressing privacy questions and concerns readily available?**
- . **How readable is the information about privacy practices?**

The goals of the Privacy Sweep included: increasing public and business awareness of privacy rights and responsibilities; encouraging compliance with privacy legislation; identifying concerns which may be addressed with targeted education and/or enforcement; and enhancing cooperation amongst privacy enforcement authorities.

In terms of the sweep conducted by the Office of the Data Protection Commissioner in Ireland, a review of 79 different websites was conducted. The Sweep was not an investigation, nor was it intended to conclusively identify compliance issues or legislative breaches.

Commenting on the Internet Sweep, Commissioner Billy Hawkes said:

‘I believe the inaugural GPEN Internet Privacy Initiative has been a resounding success as an example of privacy enforcement authorities working together to protect the privacy rights of individuals around the world. The chief finding that 21% of websites/mobile apps reviewed

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<sup>1</sup> The Global Privacy Enforcement Network (GPEN) – see <https://www.privacyenforcement.net/> - was established to foster cross-border co-operation among privacy authorities.

had no privacy policy is a significant cause for concern. Enforcement authorities are taking follow-up action directly with organizations in this regard.

The results of the Internet sweep conducted by my Office are encouraging in terms of the finding that of the 79 websites reviewed, 48 achieved a score of 5 or more, whilst 14 achieved the top score of 6. Going forward, I intend to expand this programme of desk audits of websites to ensure **Privacy Practice Transparency** is prevalent across a wider plethora of website operating in this jurisdiction. I also intend to take follow-up action where any issues of concern were identified, particularly the absence of a privacy policy and/or contact details on some websites reviewed.”

<b>Internet Sweep (Ireland)</b>	
Total number of websites or apps searched	79
Number of websites who scored top marks (6/6)	14* (17%)
Number of websites who scored 5 or more	48 (61%)
Number of websites who scored 4 or less	31 (39%)
<b>Issues:</b>	
1. Number of sites/apps with no Privacy Policy or equivalent	4 (5%)
2. Number of sites/apps where an issue concern identified with respect to find-ability	11 (13%)
3. Number of sites/apps where a concern identified with respect to contact-ability	6 (8%)
4. Number of sites/apps where a concern identified with respect to readability	50 (63%)

\* The 14 companies whose websites scored top marks were:

AA Ireland  
ALDI  
Awear Ireland  
Carzone  
Citizens Information  
Eflow  
Evening Herald  
Groupon.ie  
Irish Meteorological Service  
Marks and Spencer  
Meteor  
TG4  
Three  
Vodafone.

## International Sweep Results

	<b>Global (Websites)</b>	<b>Global (Mobile apps)</b>
<b>Total number of websites or apps searched*</b>	2,186	90
<b>Sites/apps for which no Privacy Policy or equivalent was found</b>	21% (464)	54% (49)
<b>Sites/apps for which a concern was identified with respect to find-ability</b>	23% (493)	60% (54)
<b>Sites/apps for which a concern was identified with respect to contact-ability</b>	19% (419)	30% (27)
<b>Sites/apps for which a concern was identified with respect to readability</b>	31% (688)	58% (52)
<b>Sites/apps for which a concern was identified with respect to relevance of information provided</b>	28% (620)	91% (82)
<b>Overall percentage of sites/ for which one or more concerns was identified**</b>	50% (1,091)	92% (83)

## International Findings:

- Of the 2,186 websites and mobile apps reviewed by 19 privacy enforcement authorities, 21% had no privacy policy available.
- Many websites contained brief over-generalized statements about privacy while offering no actual details on how organizations were collecting and using customer information. For example, many privacy policies focused disproportionately on the use of cookies while providing limited information on how organizations were collecting, using and disclosing personal information as it related to their business model.
- Regurgitation of legislation. Another trend noted was an often lengthy privacy policy regurgitating the wording of the pervading privacy legislation, while providing very little concrete information on what information they collect and how they will process, use and disclose it.

Approximately 38% of the privacy policies raised concerns with respect to readability, with many of these policies quoting directly from applicable legislation.

- Brief 'commitments' only. A substantial number of websites provide only a very brief high level commitment that 'privacy is important to them', with perhaps an invitation to write to them to find out more – such approaches form barriers to transparency by requiring users to take extra steps just to learn about practices.
- A greater proportion of large organizations typically had privacy policies on their websites, in comparison to small and medium-sized organizations.

The privacy policies of mobile apps lag behind traditional websites:

- 92% of mobile app privacy policies reviewed in the sweep raised one or more concerns with respect to how they present information about their privacy practices.
- 54% of mobile apps reviewed had no privacy policy at all.
- In some cases, organizations simply provided links to privacy policies for their websites which did not specifically address the collection and use of information within apps.