



# Investigations Engagement Policy and Procedure

Last updated: September 16, 2020

## Table of Contents

1.	INTRODUCTION	3
2.	PURPOSE	3
3.	AREAS OF INVESTIGATION	3
4.	SOURCES OF INVESTIGATIVE TARGETS	3
5.	INVESTIGATION ASSESSMENT	4
6.	INVESTIGATION & OUTCOMES	4
7.	NOTIFICATION TIMING, METHOD & CONTENT	5

## **1. INTRODUCTION**

The International Digital Accountability Council (“IDAC”, “we”, or “us”) is an independent nonprofit watchdog created to improve digital accountability globally through monitoring, investigation, education, and collaboration.

IDAC focuses on technical investigations of practices that are inconsistent with laws, platform terms of service, policies, frameworks, and established guidelines. We flag behaviors and issues based on a set of specified criteria, and we subsequently work with platforms and developers to remedy these issues.

This document informs how we identify, conduct, and close investigations. This Investigations Engagement Policy and Procedure (“Policy and Procedure”) informs IDAC about when and how to engage with affected parties so they can take appropriate steps to remedy the situation.

## **2. PURPOSE**

The purpose of this Policy and Procedure is to guide IDAC in taking the appropriate measures when undergoing an investigation, and to assess whether notification to external parties such as developers, platforms, law enforcement, the media, and the public is necessary. This Policy and Procedure applies to all IDAC personnel and investigations.

## **3. AREAS OF INVESTIGATION**

IDAC investigates technical mobile app behaviors, practices, and issues across a robust variety of platforms and industries. We focus primarily on practices that have the potential to harm vulnerable populations (i.e., groups of individuals that require additional protections based on age, gender, socioeconomic status, etc.). Our investigations involve mobile apps, plugins, extensions, and software development kits. Some initial areas of particular concern for IDAC include location data, health care, children, education, financial services, employment, and housing.

## **4. SOURCES OF INVESTIGATIVE TARGETS**

Investigations are initiated by IDAC staff acting on information that come to our attention from a variety of sources that may include:

- Related ongoing investigations;
- Public tips, complaints, and concerns;
- Referrals from academic collaborators and partners;
- Reports by media and advocacy groups.

## **5. INVESTIGATION ASSESSMENT**

To assess the conduct in question, IDAC’s policy team and technologists examine whether the conduct is in tension with:

- Relevant laws and regulations in appropriate jurisdictions;
- Contractual provisions (e.g., platform terms); and
- Industry-recognized best practices.

In determining whether to pursue an investigation, we consider:

- The severity of the misconduct;
- How many users are likely to be affected;
- The sensitivity of the data implicated;
- Vulnerability of the populations affected; and
- Whether others such as law enforcement, advocacy groups, academics have already raised similar concerns.

## 6. INVESTIGATION & OUTCOMES

A policy counsel will be assigned to each investigation as the investigation lead. The investigation lead will work with technologists to:

- Evaluate the conduct of developers on the face of the representations that the developer makes to the public; and
- “Test” the way that the app performs by interacting with it anonymously and/or accessing third party databases.

If IDAC develops a reasonable suspicion that a developer is violating a law, regulation, or platform term, the IDAC intervenes along a *sliding scale of engagement* based on:

1. The severity of the violation; and
2. The degree of harm to the public.

**Request for information from the developer.** In most situations, IDAC will initially seek to engage the developer to gather more information. In many cases, IDAC may be able to resolve the issue directly with the developer without need for engagement with platforms or law enforcement, and without the need for public reporting that names the individual developer.

In some situations, IDAC may engage with parties other than the developer to acquire more information about the conduct and/or to resolve the observed problems.

**Request for information from the platform.** Where IDAC has a reasonable suspicion that misconduct is occurring and is unable to gather information from a developer, IDAC may request non-public information from a platform.

**Request for assistance from the platform.** Where IDAC has a reasonable suspicion that misconduct is occurring and is unable to gather information from a developer, IDAC may request assistance from a platform in obtaining the information necessary to form an opinion as to whether misconduct is occurring.

**Request for remedial action from the platform.** Where IDAC has formed a belief, informed by a preponderance of the evidence, that misconduct is occurring, the IDAC may submit a request for remedial action to the platform.

**Referral to law enforcement or government regulators.** In some serious cases, where IDAC believes there is a violation of laws, regulations, or platform terms and/or where IDAC believes there is ongoing risk or harm to the public, IDAC will bring the concern to the attention of relevant law enforcement authorities.

**Public notice of specific instances of misconduct.** In some situations where the harm affects the public, IDAC may notify the public by publishing a report, blog or other type of notice.

## **7. NOTIFICATION TIMING, METHOD & CONTENT**

**Timing.** IDAC notifies the appropriate parties within a reasonable amount of time after discovering the violation or misconduct. The urgency and timing of the notification depend on the outcome of the investigation.

**Method.** IDAC notifies the appropriate parties via email, phone calls and/or letters. We may also post a notice or report on our public website.

**Content.** IDAC values transparency and we strive to provide as much information as necessary to individuals who are impacted by harmful conduct. Providing relevant information allows individuals to take the necessary steps to prevent and mitigate further risk of harm.