

FEDMA code on Spyware
(Use of Software or Other Similar Technology Installed on a Computer or Similar Device)

Marketers should not install, have installed, or use, software or other similar technology on a computer or similar device that initiates deceptive practices or interferes with a user's expectation of the functionality of the computer and its programmes¹. Such practices include, but are not limited to, software or other similar technology that:

- Takes control of a computer (e.g., relaying spam and viruses, modem hijacking, denial of service attacks, or endless loop pop-up advertisements);
- Deceptively modifies or deceptively disables security or browser settings, or
- Prevents the user's efforts to disable or uninstall the software or other similar technology

Anyone that offers software or other similar technology that is installed on a computer or similar device for marketing purposes should:

- Give the computer user clear and conspicuous notice and choice at the point of joining a service or before the software or other similar technology begins operating on the user's computer, including notice of significant effects² of having the software or other similar technology installed;
- Give the user an easy means to uninstall the software or other similar technology and/or disable all functionality;
- Give an easily accessible link to a privacy policy, and
- Give clear identification of the software or other similar technology's name and company information, and the ability for the user to contact that company.

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¹ Passive means of data collection (such as cookies, web beacons) are not governed by this guideline.

² Determination of whether there are significant effects includes, for example:

- whether pop-up advertisements appear that are unexpected by the consumer;
- whether there are any changes to the computer's home page or tool bar;
- whether there are any changes to settings in security software, such as a firewall, to permit the software to communicate with the marketer or the company deploying the software, or
- whether there are any other operational results that would inhibit the user's expected functionality.