

**Voluntary Best Practices
For P2P File-Sharing Software Developers to Implement
To Protect Users Against Inadvertently Sharing Personal or Sensitive Data**

DEFINITIONS:

- (1) “Affirmative Step” means an action that requires the user to select a non-default choice presented by the application’s user interface.
- (2) “Recursive Sharing” means the automatic sharing of subfolders of any parent folder designated for sharing.
- (3) “Sensitive File Types” means file types which are known to be associated with personal or sensitive data, for example, those with file extensions such as .doc or .xls in Windows Office, .pdf in Adobe, or the equivalent in other software programs.
- (4) “Sensitive Folders” are those often used to store personal or sensitive data, for example, the “My Documents” folder in Windows or the equivalent on another operating system.
- (5) “Shared Folder” means a folder that is designated, at the point of installation, for users to store files that other users of the respective file-sharing network can download from the user’s computer.
- (6) “User-Originated Files” means any files stored on a user’s computer prior to installation of the file-sharing application and any files subsequently stored on a user’s computer that a user has not downloaded from the respective file-sharing network.

REQUIRED – TO BE CONSIDERED IN COMPLIANCE

- (1) An application’s default settings for file sharing at the point of software installation: may permit redistribution of files the user subsequently downloads from the respective P2P network if this behavior has been disclosed to users clearly and conspicuously in advance; and shall not share User-Originated Files.
 - (A) In order for User-Originated Files or pre-existing folders to be shared, the user must take Affirmative Steps subsequent to the point of installation. These steps shall include clear, timely, and conspicuous plain-language warnings about the risks of inadvertent sharing of personal or sensitive data.
 - (B) There shall be a simple way for the user to disable the file-sharing functionality altogether by using controls provided in a designated share-settings control area of the software that is easy to access (e.g., with a single click) from any screen in the user interface. Instructions on how to

disable the file-sharing functionality shall be clear, timely, and conspicuous.

- (2) There shall be a simple way for the user to stop sharing any folder, subfolder, or file that is being shared by using controls provided in a designated share-settings control area of the software that is easy to access (e.g., with a single click) from any screen in the user interface. Instructions on how to stop the sharing of any folder, subfolder, or file shall be clear, timely, and conspicuous.
- (3) The Shared Folder shall not contain any User-Originated Files at the point of initial installation of the P2P software. The user must place User-Originated Files and pre-existing folders in the Shared Folder individually. The user must take Affirmative Steps to share additional folders.
 - (A) Recursive Sharing shall be disabled by default and may be enabled only after the user takes Affirmative Steps.
 - (B) The user must have clear and precise options to control Recursive Sharing if a user enables it. All subfolders that are going to be shared should be conspicuously noted, for the user to review and confirm.
- (4) For User-Originated Files that are made available for distribution by taking the Affirmative Steps outlined above, additional protection shall be provided against known instances of potentially-harmful user error.
 - (A) To share the entire contents of a Sensitive Folder, the user must take Affirmative Steps and be given clear, timely, and conspicuous warnings that the selected folder may contain sensitive or personal files.
 - (B) Any attempt to share a complete drive (e.g., the "C" or "D" drive, a network drive, or external drive) or a user-specific system folder (e.g., a "Documents and Settings" folder in Windows) must be prevented.
- (5) When the default setting for file sharing has been changed by the user to permit distribution of User-Originated Files in accordance with the foregoing requirements, files with Sensitive File Types shall not be permitted to be distributed via the P2P network.
 - (A) The user must take Affirmative Steps to change the default settings to enable sharing of files with Sensitive File Types.
 - (B) There shall be a simple way for the user to stop sharing files with Sensitive File Types by using controls provided in a designated share-settings control area of the software that is easy to access (e.g., with a single click) from any screen in the user interface. Instructions on how to stop sharing Sensitive File Types shall be clear, timely and conspicuous.

- (6) The user shall be presented with a clear and conspicuous communications (e.g., on all screens) specifying the number of files being shared. The user shall be shown a prominent warning when a large number of files or folders are shared.
 - (A) If a large number of files is shared (e.g., greater than 500), a warning shall be shown to the user. This warning shall contain options to reduce the number of shared files.
 - (B) If a large number of subfolders is shared (e.g., greater than 4), a warning shall be shown to the user. This warning shall contain options to reduce the number of shared folders.
- (7) Developers shall also implement the following principles:
 - (A) Disabling of file-sharing features, including but not limited to those outlined above, shall be simple to do and explained in plain language, with consistent terminology (i.e., terms such as “Default Setting,” “File Extension,” “Recursive Sharing,” and “Shared Folder” shall always have the same meaning whenever used in communications from the P2P file-sharing software provider).
 - (B) Complete uninstallation of the P2P file-sharing software also shall be simple to do and explained in plain language (e.g., by using the standard “Add/Remove Program” functionality on Windows or its equivalent on other operating systems).
 - (C) P2P file-sharing software developers shall make best efforts to ensure that as many users of their applications as possible upgrade to the new versions of their software, which contain the features outlined above, as soon as they are commercially available (i.e., after successfully completing beta testing). Previously-chosen sharing selections should be reconfirmed by the user upon installation of the new version of the software. In the reconfirmation process, users shall be warned, consistent with the foregoing requirements, before Sensitive Folders are shared and users must take Affirmative Steps to continue sharing Sensitive Folders and their subfolders. By default, Sensitive File Types shall not be permitted to be distributed via the P2P network.
 - (D) When the user subsequently chooses to upgrade to a different or newer version of the P2P file-sharing software, or to reinstall the same version of the software, either (a) if the software upgrade or reinstallation does not materially affect other user-controllable settings (including aspects of the user-interface and share settings addressed in this document), then it shall not change the file-sharing settings previously chosen by the user; or (b) if the software upgrade or reinstallation does materially change or require user-controllable settings to be reset, then it shall require file-

sharing settings to be reset by the user as described above. If the upgrade or reinstallation uses the previously set file-sharing settings, the application shall warn users that those settings will be used, remind the user that changes to those settings can be made in the designated area in the software, and warn users if Sensitive Folders or Sensitive File Types are being shared.

OPTIONAL – FOR ADDED CONSUMER PROTECTION

- (8) When the user chooses no longer to use the P2P file-sharing software in a given online session, the user shall be presented with a choice of either i.) turning the software completely off (i.e., fully disconnecting from the P2P network); or ii.) having the software continue to run in the background (i.e., still contributing resources to the P2P network to help facilitate content redistribution).
 - (A) There shall be a simple way for the user to fully disconnect from the P2P network by using controls provided in a designated area of the software that is easy to access (e.g., with a single click) from any screen in the user interface. Instructions on how to fully disconnect from the P2P network shall be clear, timely, and conspicuous
 - (B) When the P2P file-sharing software is in use and running in the background, the application shall clearly alert the user that the software is still running (e.g., in the “System Tray” on Windows or its equivalent on another operating system).