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## **Online Privacy Policy of the Thirty Dow Jones Corporations: Compliance with FTC Fair Information Practice Principles and Readability Assessment**

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### **ABSTRACT**

*Privacy policy in corporation's business refers to a statement or a legal document that discloses some or all of the ways a party gathers, uses, discloses and manages a customer or client's personal data such as name, age, address, gender, email, etc. ("Privacy Policy," 2012). In 1998, the United States Federal Trade Commission (FTC) reported a study of online privacy concerns to Congress, which described a widely-accepted Fair Information Practice Principles (FIPs) of Notice, Choice, Access, and Security (Landesberg, Levin, Curtin, & Lev, 1998). This project conducted a statistical study by examining the FIPs compliance for each Dow Jones Corporation's (DJC's) online privacy policy. In addition, a study by George Milne, Mary Culnan, and Henry Greene showed that online privacy had grown in length as well as had declined in readability (Milne, Culnan, & Greene, 2006). Therefore, this research assessed also the readability of DJC's online privacy policy by measuring widely adopted Flesch Reading Ease Score (FRES) and Flesch-Kincaid Grade Level (FKGL). Furthermore, in order to better understand the practical situations regarding privacy concerns and policy readability from a customer's point of view, a customer survey was given to business students at the College of Business and Public Administration at California State University, San Bernardino.*

### **INTRODUCTION**

Privacy policy in corporation's business refers to a statement or a legal document that discloses some or all of the ways a party gathers, uses, discloses, and manages a customer or client's personal data such as name, age, address, gender, email, etc. ("Privacy Policy," 2012). While online privacy policy (or online privacy) emphasizes on the right or mandates of personal privacy concerning the storing, repurposing, providing to third-parties, and displaying of information pertaining to oneself via the Internet ("Internet Privacy," 2012). In the age of the internet, sharing information, communication, and working through the internet, especially the flow of information between companies and customers has caused a growing concerns regarding online privacy policy. For example, Google, as one of the most popular search engine in the world, has a well-known reputation and vast of cooperation with third parties. However, an announcement from Maryland Attorney General Douglas Gansler and attorneys general from

thirty-five other states indicated that Google had tracked people using computers and mobile devices based on its new privacy components (published on March first, 2012) such as searching history without opt-out choice for customers (Acohidio, 2012).

From customer's view a disclosed online privacy would satisfy customer's concerns letting her/him know what information the company collected, what information the company may share with third parties, and how the company may secure her/his information. As mentioned above, the new online privacy of Google revealed the information that Google has been tracking customer's information. Few customers would like to be monitored all the time by Google; however, customers would be like walking on the thin ice without notice if there was no online privacy. In 1998, the United States Federal Trade Commission (FTC) reported a study of online privacy concerns to Congress. In this report, FTC described a widely-accepted Fair Information Practice Principles (FIPs) of Notice, Choice, Access, and Security<sup>1</sup> (Landesberg et al., 1998). And FTC also defined the Enforcement principle to provide sanctions for noncompliance as a critical component of any governmental or self-regulatory program to protect online privacy.

### **STATEMENT OF THE PROBLEM**

In July 1997, FTC conducted a survey about consumer privacy on the World Wide Web. The survey includes six sample groups: 1) comprehensive, 2) health, 3) retail, 4) financial, 5) children, and 6) most popular. Only fourteen percent of all sites in the Comprehensive Sample (sample size = 674) posted any disclosure about privacy. Only seventy-one percent of all sites in Most Popular Sample (sample size = 111) have some type of information disclosure about privacy (Landesberg et al., 1998). Furthermore, a study by George Milne, Mary Culnan, and Henry Greene showed that online privacy has grown in length as well as declined in readability (Milne et al., 2006). Even though a company discloses its online privacy and complies with FIPs, the unreadable privacy is still impractical for customers. Few people would like to spend half an hour or even a couple of hours to read the online privacy notice, especially when she/he is shopping online. Therefore, FIPs compliance and improving readability seems to be more and more intensive in terms of current online privacy policy.

#### ***Significance of the Project***

On March 30<sup>th</sup> 2012, Nicole Perlroth from the New York Times reported that approximately one million to three million Visa and MasterCard accounts were exposed at Global Payments. Credit card numbers as well as cardholders' personal information had been hacked when payments were processed. Nicole also mentioned this was the second breach already at Global Payments in the last twelve months. Additionally, Heartland Payment Systems disclosed a breach which caused 130 million credit card to be hacked during two years from 2007 to 2009 (Greenberg & Schwartz, 2012). Credit cards have been the favorite target for hackers since e-business became more and more popular. However, the question can be asked, did the company notice these security issues, especially its e-business? Did the company take any measures to secure customers' personal information; especially their financials? All the related information should be found in a corporation's online privacy policy. Therefore, it is necessary to examine the

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<sup>1</sup> The four principles of FIPs will be discussed later.

privacy notice to ensure that it provides a clear statement about what information will be collected from customers, how the company secures the payment transmission when an order is being placed, how the company securely stores customers' information in its database, etc. As already indicated, FIPs is a widely accepted principle to guide a company's privacy policy from Notice, Choice, Access, and Security. These four principles comprehensively cover the most privacy and security concerns. Thus, a complied, reliable, and security online privacy would safeguard customers' equity.

On the other hand, Nicole mentioned Heartland Payment Systems cost about \$140 million in fines, settlements, and legal fees due to the exposure of the data (Greenberg & Schwartz, 2012). As the function of a policy, a complied, reliable, and security online privacy could guide the company to enhance and improve its technology as well as management of privacy concerns. It will effectively manage the risk of privacy exposed by hackers in order to reduce the loss. In addition, as the requirement by FTC, this project would help corporations to self-regulate their online privacy to fulfill with the Law.

Moreover, Matthew Vail's study indicated that the majority of Americans cannot understand the content of most online privacy policy (Vail, Earp, & Anton, 2008). Therefore, a readable privacy could help customers comprehend the content easily and spend less time to do so. Thus, this project assessed the readability of the online privacy policy. Additionally, recommendations about how to improve readability are recommended.

### *Research Scope and Questions*

The Dow Jones Industrial Average (DJIA) is the one of the best-known icons of American culture and stock market observers around the world (Dow Jones Industrial Average, 2011). DJIA is composed by thirty modern corporations<sup>2</sup> which cover manufacturers of industrial and consumer goods, financial services, entertainment and information technology, etc. ("Overview," 2012). Each company plays a significant role with the related industries. As whole, the Dow Jones Corporations' (DJCs') stocks usually account for 25% to 30% of the total market value of all U.S. stocks (Dow Jones Industrial Average, 2011).

Therefore, since DJCs occupy a large share of the U.S. market and have a broadly representativeness of American corporations, the online privacy policies of thirty Dow Jones Corporations (DJCs) in terms of FIPs compliance and readability were scrutinized. To fully explore the online privacy policies, Online Privacy Seal such as TRUSTe, BBBOnline and WebTrust were introduced and checked for each DJC's privacy notice. Secondly, Flesch Reading Ease Score (FRES) was used for assessing readability of each DJC's privacy notice. To summarize the research objectives, two primary research questions were discussed:

- I. *How well does the DJC's online privacy policy comply with FTC Fair Information Practice Principles?*
- II. *How is the readability of DJC's online privacy policy; was it easy to understand?*

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<sup>2</sup> See Appendix A for the specific components.

## REVIEW OF THE LITERATURE

With the growing e-market, the internet has been treated as both panacea and anathema to marketers interacting with customers (Brown & Muchira, 2004). Modern relationship marketing is largely driven by new technology (Ian, 1998). Internet as one of the greatest inventions in the 20<sup>th</sup> century and has become a major driver in current markets. In 1997, there were 58 million adults using internet and 10 million of them have actually purchased a product or service online (Landesberg et al., 1998). The high-quality and reliable customer's database which depicts patterns of needs within the customer and prospect population has more contribution to marketers (Khalil & Harcar, 1999). Therefore, company always seeks all the opportunities to identify the needs of customers and collect their personal information in order to better serve customers. For example, sending mail or email advertisements to target customers regularly creates new relationships or maintains old relationships with customers. In order to do so, companies have to collect addresses, emails, gender, names, race, date of birth, interests, etc. from customers. However, most of that information is sensitive for customers and has already caused customers' concerns about threats to privacy in some degree (Petrison & Wang, 1995). Especially, nowadays, personal information has become a tradable commodity in capitalist societies (Hamelink, 2000). It was reported that customers were anxious about whether the information gathered about them was warranted, whether their information was securely stored in the database, and whether their information was shared with a third party without disclosure and permission. Pew Internet & American Life project reported that seventy percent of internet users felt that they need a new law to protect their online privacy (Lewis & Fox, 2001). Nevertheless, most experts state that a corporation's online privacy policy is currently the best way to balance privacy concerns and online activities (Andrews, 2001). However, Westin (2004) conducting a survey found that sixty-five percent customers believed online privacy was too complicated or unclear to understand. Hence, the review of the literature was focused on online privacy policy from both FIPs compliance and readability perspectives.

### *Fair Information Practice Principles*

FTC Fair Information Practice Principles (FIPs) are guidelines that represent widely-accepted concepts regarding fair information practice in an electronic marketplace ("FTC Fair Information Practice," 2011). It includes five core principles presented in Table 1 (Landesberg et al., 1998; Pitofsky et al., 2000):

In the report: "A Report to Congress" (Pitofsky et al., 2000), it was noted that ninety-two percent of the sites from a comprehensive random sample, collected personal information and only fourteen percent of them disclosed something about the information practices of the corporations. Professor Mary Culnan from Georgetown University conducted another survey which included a hundred most busy sites from the most-heavily trafficked websites. The result showed that there was a significant improvement in the frequency of privacy disclosures in regards to those one hundred websites. However, still only ten percent of those sites disclosed the websites' disclosure online privacy policy.

Main Principle	Sub-Principle
I. Notice/Awareness	1) Posted a privacy policy
	2) Stated anything about what specific personal information it collects
	3) Stated anything about how the site may use personal information internally
	4) Stated anything about whether it discloses personal information to third parties
II. Choice/Consent	1) Whether sites provided choice with respect to their internal use of personal information to send communications back to consumers (other than those related to processing an order)
	2) Whether they provided choice with respect to their disclosure of personal identifying information to other entities, defined as third-party choice
III. Access/Participation	1) Whether the site stated that it allows consumers to review at least some personal information about them
	2) Whether the site stated that it allows consumers to have inaccuracies in at least some personal information about themselves corrected
	3) Whether the site stated that it allows consumers to have at least some personal information deleted
IV. Security/Integrity	1) Take any steps to provide security
	2) If (1) so, whether they take any steps to provide security for information during transmission
	3) If (1) so, whether they take any steps to provide security for information after receipt
V. Enforcement/Redress	1) Self-regulation (such as Privacy Seal)
	2) Government enforcement (such as audits)

**Table 1: FIPs Requirement Criteria.**

In addition, Schwaig conducted a survey about FIPs compliance of Fortune 500 (Schwaig, Kane, & Storey, 2006). About eighty percent of those sites had an online privacy disclosure. Sixty-seven percent of the Fortune 500 sites fully complied with the Notice Principle. Less than three percent of the Fortune 500 sites complied with all the required measure aspects of FIPs. Meanwhile, only thirty-five out of 500 sites displayed a seal on its privacy policy. In the report to Congress, FTC indicated that online privacy seal programs would promote company’s self-regulation.

**Online Privacy Seal Programs**

The online privacy seal programs have been developed by industry’s primary self-regulatory enforcement (Pitofsky et al., 2000). The seal programs provide a set of guidelines and a voluntary enforcement mechanism to assure that the site abides by their own privacy policy (Rifon, LaRose, & Choi, 2005). There are three major privacy seals: 1) TRUSTe, 2) BBBOnline

and 3) WebTrust. These Seals or Trustmark (see Figure 1) were displayed by websites that adhere to these organizations' established privacy requirements and agree to comply with oversight and consumer dispute resolution processes (Markert, 2002). Therefore, the Trustmark was designed to engender trust between customers and corporations regard to online privacy policy. Based on such trust, customers could quickly make informed decisions about whether or not to provide their personally information to the corporations.



**Figure 1: Online Privacy Seal Logo.**

TRUSTe is the first and the largest privacy seal program in the world certifying more than 3,500 websites (“TRUSTe,” 2012). TRUSTe complies with the privacy practices and notices guidelines set by the FTC and other trade associations (Rifon et al., 2005). BBBOnLine Privacy Seal was launched March, 1999. By 2000, there were already more than 450 websites displaying BBBOnLine Seal. WebTrust is a professional service developed by the American Institute of Certified Accountants (AICPA). WebTrust has licensed its seal to twenty-eight Web sites by the year 2000 (Pitofsky et al., 2000).

### ***Flesch Reading Ease Score and Flesch-Kincaid Grade Level***

Readability refers to the ease in which text can be read and understood (“Readability,” 2012). Dr. Rudolf Flesch has created a well-known readability test, Flesch Reading Ease Score (FRES). In his book, “The Art of Readable Writing,” Flesch (1949) published the widely used FRES formula:

$$\text{Flesch Reading Ease} = 206.835 - (1.015 \times \text{ASL}) - (84.6 \times \text{ASW})$$

Where:

- ASL = average sentence length (total words divided by total sentences)
- ASW = average word length in syllables (total syllables divided by total words)

In addition, the score is used on a scale from 0 to 100, with 0 equivalents to the 12<sup>th</sup> grade and 100 equivalents to the 4<sup>th</sup> grade. The greater the value, the easier the text. Dr. Flesch also conducted a table of FRES verbal description (Table 2) as follows (Flesch, 1949, pp. 149-150).

Description of Style	Reading Ease Score	Estimated Reading Grade	Typical Magazine
Very Easy	90 ~ 100	5 <sup>th</sup> Grade	Comics
Easy	80 ~ 90	6 <sup>th</sup> Grade	Pulp Fiction
Fairly Easy	70 ~ 80	7 <sup>th</sup> Grade	Slick Fiction
Standard	60 ~ 70	8 <sup>th</sup> and 9 <sup>th</sup> Grade	Digests
Fairly Difficult	50 ~ 60	10 <sup>th</sup> to 12 <sup>th</sup> Grade (High School)	Quality
Difficult	30 ~ 50	13 <sup>th</sup> to 16 <sup>th</sup> Grade (College)	Academic
Very Difficult	0 ~ 30	College Graduate	Scientific

**Table 2: FRES Verbal Description.**

However, Dr. Flesch did not provide an accurate calculation for a Reading Grade Level even though he provided the estimated reading grade. In 1975, Peter Kincaid and his team developed the widely-adopted Flesch-Kincaid Grade Level (FKGL) based on Dr. Flesch's research. The accurate reading grade level was given and has a better match between FRES and U.S. education grade level structure<sup>3</sup>. FKGL helps teachers, parents, librarians, and others to better judge the readability level of various books and texts ("Flesch-Kincaid Reability Test," 2012). The FKGL formula is a simple mathematical equation as follows (Kincaid, Fishburne, Rogers, & Chissom, 1975):

$$\text{Flesch-Kincaid Grade Level} = 0.39 \times \text{ASL} + 11.8 \times \text{ASW} - 15.59$$

Where:

- ASL = average sentence length (total words divided by total sentences)
- ASW = average word length in syllables (total syllables divided by total words)

Previous research showed that online privacy policy was generally hard to read. Dr. Hochhauser (2001) analyzed sixty financial privacy notices and found the average FKGL was 15.6. The grade level means only third to fourth year college educated customers can comprehend the complicated online privacy. In addition, Dr. Hochhauser (2003) did another study about thirty-one Health Insurance Portability and Accountability Act (HIPAA) privacy notices. The average FKGL was 14.5 which reflected that only second to third year college customers could better understand the online privacy. Antón and his coworkers examined forty online privacy statements from nine financial institutions and found the average FKGL was 14.1 (Antón et al., 2004). In other words, second to third year college educated clients may apprehend the "difficult" online privacy notices according to Table 2. Additionally, Jensen and Potts (2004) analyzed another sample and found the average FKGL of the forty-seven high-traffic sites was 14.2; while, the average FKGL for the seventeen health sites was 13.5. Moreover, they did some further exploration and found there was no significant difference between healthcare websites and others.

All the previous research stated above has an approximate 14 Flesch-Kincaid Grade Level. According to Table 2, it seems that only college educated customers could better comprehend the online privacy policy. However, research showed that the majority of people read three-to-five

<sup>3</sup> See Appendix B for the specific structure

grades lower than their highest level of educational achievement. Furthermore, census data (United States Department of Commerce, Census Bureau, 2011) revealed that about 86.7% of adults had a high school degree and only around 27.8% had one or more college degrees (United States Department of Commerce, Census Bureau, 2011). Thus, most online privacy policies of corporations are unreadable for the mass customers. FTC Chairman Jon Leibowitz has already called for simpler, shorter privacy notices in order to answer customers' confusion about the complex online privacy ("Leibowitz Privacy Notices Should Be Simple, Short," 2011).

### ***Passive Voice***

Passive voice is defined as a grammatical construction in which the subject of a sentence or clause denotes the recipient of the action (the patient) rather than the performer (the agent) ("English Passive Voice," 2012). For example, "a cat catches a mouse" using passive voice will be "a mouse is caught by a cat." So far, all the reviewed literature above did not mention any former research about how passive voice affects readability. Nonetheless, Susan Rhodes's Ph.D. thesis concluded that there was no difference regarding comprehensibility between active and passive voice in scientific writing (Rhodes, 1997). Coincidentally, most online privacy policy is written as "scientific" or "academic" text according to Table 2 and to previous review. In addition, few typical current experimental studies have done something to illustrate that passive voice is much harder to understand than active voice based on Dr. Rhodes's literature review. Furthermore, researchers believe that changing passive voice into active voice will affect the meaning of the whole sentence in some degree, it may misplace emphasis or cause ambiguous obligation in terms of legal documents (such as online privacy policy). In addition, in some degree, passive voice could reduce reading speed even though there were still some debates on this topic. Philip Gough (1965) indicated that active sentence were faster to read than passive one. While, Arthur Siegel and James Burkett found no significant time difference between active voice and passive voice (Siegel & Burkett, 1974). Therefore, the passive voice was not used for assessing the readability of DJC's online privacy, but focused on giving recommendations about it.

## **METHODOLOGY**

### ***Data Collection***

Thirty DJCs' online privacy policies were sampled. All the thirty corporations have linked privacy notices through their website-homepages. Most of the Privacy Hyperlinks are placed on the bottom of their homepages by using either "Privacy Notice," "Privacy Statement," "Privacy Policy," or "Privacy." Some of them are located on the top area. It is very easy to find out the privacy policies for the thirty Dow Jones Corporations. Since almost all the thirty companies are global business, their privacy policies may vary based on different regions (countries). The scope of this project just focused on their primary privacy policies, which refer to North America. For example, International Business Machines Corporation (IBM) has businesses all over the world. This project just focused on its American version (<http://www.ibm.com/privacy/us/en/>) versus other ones, such as British version (<http://www.ibm.com/privacy/uk/en/>), Hong Kong's version (<http://www.ibm.com/privacy/hk/en/>), etc.

A survey was administrated to undergraduate and graduate students from the College of Business and Public Administration (CBPA) at California State University, San Bernardino (CSUSB).

### *Design of FIPs Compliance*

This research simulated the practical situation regarding time consumption when customers registered an account or shopped online. Therefore, the author used about twenty minutes to quickly scan each DJC's privacy policy and compared it with FIPs requirement criteria (see Table 1). Since the government enforcement of the last principle (Enforcement) cannot be implemented in this project, only privacy seals were checked for the Enforcement Principle.

**Define "Rating" Score.** In order to better understand how well DJC's privacy policy complies with FIPs, the concept of national Credit Rating (Credit Rating, 2012) was used. Table 3 set up a table for the project to rate the DJC's performance as followed:

Credit	Rating Grade	Performance
37 ~ 60	AAA	Good
25 ~ 36	AA	Fair
13 ~ 24	A	Poor
0 ~ 12	NC	Noncompliance

**Table 3: FIPs Rating Score.**

Corporations with 37 to 60 points were defines as "AAA" rating with "Good" performance. Corporations with 25 to 36 points were defined as "AA" rating with "Fair" performance. Corporations with 13 to 24 points were defined as "A" rating with "Poor" performance. Those corporations with less than 12 points were considered as noncompliance. The following section illustrates how to calculate the score and how it is defined.

**Procedure of DJC's Rating Score.** Each DJC's privacy policy was quickly scanned to point out whether or not it had the required criteria. Each principle including privacy seal was worth 12 points, and the sub-principles split the 12 points based on the number of sub-principle. To clarify, Table 4 indicated the specific distribution of points.

According to the Table 4, the maximum score is 60 and the maximum sum of the first four principles is 48. Obviously, a score from 48 to 60 was defined as AAA since privacy seals are only the complementary and regulation for the first four principles. However, not all DJCs' privacy policies are formulated as clear as those four principles; therefore, the author focused on each sub-principles rather than examined the whole principles for the policies. Hence, due to the mixed examination of sub-principles, the bottom line was reduced to 37 for AAA rating.

Main Principle	Sub-principle
I. Notice/Awareness a. (12 points)	1) 3 points
	2) 3 points
	3) 3 points
	4) 3 points
II. Choice/Consent a. (12 points)	1) 6 points
	2) 6 points
III. Access/Participation a. (12 points)	1) 4 points
	2) 4 points
	3) 4 points
IV. Security/Integrity a. (12 points)	1) 4 points
	2) 4 points
	3) 4 points
V. Privacy Seal (12 points)	1) 12 points

**Table 4: FIPs Rating Score Points Distribution.**

### *Design of Readability Assessment*

This research applied the widely adopted two measurements: FRES and FKGL, which were introduced in the Review of the Literature. Nowadays, more and more text editing software has been integrated those two functions to assess the readability of certain text such as Microsoft Office 2010, Readme, OpenOffice, etc. In this project, the Microsoft Office 2010 was used to measure FRES and FKGL. By default, Microsoft Office 2010 disables those two functions. Thus, the following steps illustrate how to enable the functions:

1. Open a blank Microsoft Office Word 2010.
2. Go to the Menu Bar of Word on the top area of the window and click the menu "File."
3. On the left side of the menu, click "Options" for the further settings.
4. It will pop out a new window named "Word Options," click "Proofing" on the left side of the new window.
5. Mark the "Show readability statistics" under the "When correcting spelling and grammar in Word" options which are located in the middle of the right part of the new window.
6. Hit "OK" on the bottom of the new window, and the setting is done.

**Define "Difficulty" Score.** Since FKGL was developed based on FRES, this project chose FRES as the primary measurement; although both FKGL and FRES have been checked. This research adopted Dr. Rudolf's scale (see Table 2), which has already defined the difficulty of a certain context by measuring FRES.

**Procedure of DJC's Difficulty Score.** After the readability statistics function of Word has been enabled, Microsoft Office 2010 can be used to measure the FRES and FKGL for each DJC's online privacy policy. Here, IBM was used as an example to illustrate the specific steps:

1. Open a blank Word document, and paste the online privacy policy into it. The following link will shows the detailed privacy policy of IBM, <http://www.ibm.com/privacy/details/us/en/>
2. Go to the Menu Bar of Word on the top area of the window and click the menu “Review.”
3. Click the first button “Spelling & Grammar” on the left side of the menu.
4. Ignore all the spelling and grammar errors by clicking “Ignore All” or “Ignore Rule” button on the right side of the new pop-out window.
5. After all the spelling and grammar checking is skipped, it will pop out another window named “Microsoft Word.” And hit “OK.”
6. Finally a new window named “Readability Statistics” will be exhibited automatically and it will display the details including FRES, FKGL, Passive Voice Percent, etc.
7. For IBM, FRES is 41.4, and FKGL is 13.4. It may vary since corporations will update their privacy policies occasionally.

### ***Design of Survey***

This research emphasized on the practical meaning for customers. Hence, this project conducted a survey from the CBPA College at CSUSB to assistant analyze the practical situation of current online privacy policies from customers’ view. The survey helped to better understand how customer think about the current privacy policy, whether or not it is meaningful to launch this project, how is the practical situations in this field at least from the surrounding customer groups, etc.

### ***Procedure of the Survey***

In order to improve the respond rate of the survey without incentives, the author requested the survey takers just responded to two simple multiple-choice questions. The first question aimed to collect the general intentions from customers regarding privacy concerns. And the second one roughly gathered the customers’ understanding of privacy policy.

1. Do you think Online Privacy Policy is important?
  - A. Unimportant
  - B. Neither Important nor Unimportant
  - C. Somewhat Important
  - D. Very Important
  - E. Extremely Important
2. How is the READABILITY of Online Privacy Policy according to your experience?
  - A. Very Difficult
  - B. Difficult
  - C. Somewhat Difficult
  - D. Neutral
  - E. Somewhat Easy
  - F. Easy
  - G. Very Easy

**FINDINGS AND DISCUSSIONS**

In terms of FIPs compliance, it included privacy seal performance; similarly, passive voice performance is discussed for readability assessment in this section as well. According to Nicholson (2012), the thirty DJCs can be classified into six sectors as following Table 5:

Basic Materials	Alcoa	AA	Consumer Goods	Coca-Cola	KO
	Chevron	CVX		Home Depot	HD
	Exxon Mobile	XOM		Kraft Foods	KFT
Financials	American Express	AXP		McDonald's	MCD
	Bank of America	BAC		Procter & Gamble	PG
	JPMorgan Chase	JPM		Travelers	TRV
Health-care	Johnson & Johnson	JNJ		Wal-Mart	WMT
	Merck & Co.	MRK		Walt Disney	DIS
	Pfizer	PFE		AT&T	T
Industrial Goods	3M	MMM		Technology	Cisco Systems
	Boeing	BA	Hewlett-Packard		HPQ
	Caterpillar	CAT	Intel		INTC
	DuPont	DD	IBM		IBM
	General Electric	GE	Microsoft		MSFT
	United Technologies	UTX	Verizon Communications		VZ

**Table 5: DJC Sectors.**

**Results of FIPs Compliance**

The following Table 6 displays each DJC's FIPs rating score based on the Table 1 and Table 4.

Com.	Notice				Choice		Access			Security			Seal	Total	Rating
	1)	2)	3)	4)	1)	2)	1)	2)	3)	1)	2)	3)			
MMM	3	3	3	3	6	6	4	4	0	4	4	4	0	44	AAA
AA	3	3	3	3	6	6	4	4	4	4	4	4	0	48	AAA
AXP	3	3	3	3	6	6	4	4	0	4	4	4	0	44	AAA
T	3	3	3	3	6	6	4	4	0	4	4	4	12	56	AAA
BAC	3	3	3	3	6	6	4	4	0	4	4	4	0	44	AAA
BA	3	3	0	3	0	0	0	0	0	4	4	4	0	21	A
CAT	3	3	0	3	6	6	4	4	0	4	4	4	0	41	AAA
CVX	3	3	3	3	6	0	0	0	0	4	4	4	0	30	AA
CSCO	3	3	3	3	6	6	4	4	4	4	4	4	12	60	AAA
KO	3	3	3	3	0	0	4	4	0	4	4	4	0	32	AA
DD	3	3	3	3	6	6	4	4	4	4	4	4	0	48	AAA
XOM	3	3	3	3	6	0	4	4	4	0	0	0	0	30	AA
GE	3	3	3	3	0	0	4	4	0	4	4	4	0	32	AA
HPQ	3	3	3	3	6	6	4	4	4	4	4	4	12	60	AAA
HD	3	3	3	3	6	6	0	0	0	4	4	4	0	36	AA

INTC	3	3	3	3	6	0	4	4	0	4	4	4	0	38	AAA
IBM	3	3	3	3	6	6	4	4	4	4	4	4	12	60	AAA
JNJ	3	3	3	3	0	0	4	4	4	4	4	4	0	36	AA
JPM	3	3	3	3	0	0	0	0	0	4	4	4	0	24	A
KFT	3	3	3	3	6	0	4	4	4	0	0	0	0	30	AA
MCD	3	3	3	3	0	0	4	4	4	0	0	0	0	24	A
MRK	3	3	3	3	6	6	4	4	0	4	4	4	12	56	AAA
MSFT	3	3	3	3	6	0	4	4	0	4	4	4	12	50	AAA
PFE	3	3	3	3	6	6	4	4	4	4	4	4	0	48	AAA
PG	3	3	3	3	6	6	4	4	0	4	4	4	12	56	AAA
TRV	3	3	3	3	0	6	4	4	0	4	4	4	0	38	AAA
UTX	3	3	3	3	0	0	4	4	0	0	0	0	0	20	A
VZ	3	3	3	3	6	6	4	4	0	4	4	4	12	56	AAA
WMT	3	3	3	3	6	6	4	4	0	4	4	4	0	44	AAA
DIS	3	3	3	3	6	6	4	4	0	4	4	4	12	56	AAA

Table 6: DJC's FIPs Rating Score.

*DJC FIPs Overall Performance*

Table 6 illustrates that most<sup>4</sup> DJCs comply with Notice and Security principles. There are a number<sup>5</sup> of companies that do not fully comply with the Choice and Access principles. The average rating score of those thirty companies is equal to 42.07, which still qualified for AAA. The following pie chart presents the weight of each rating grade.

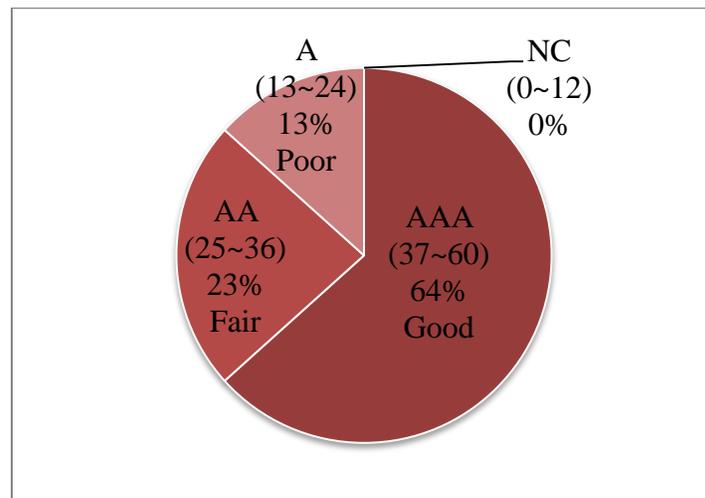


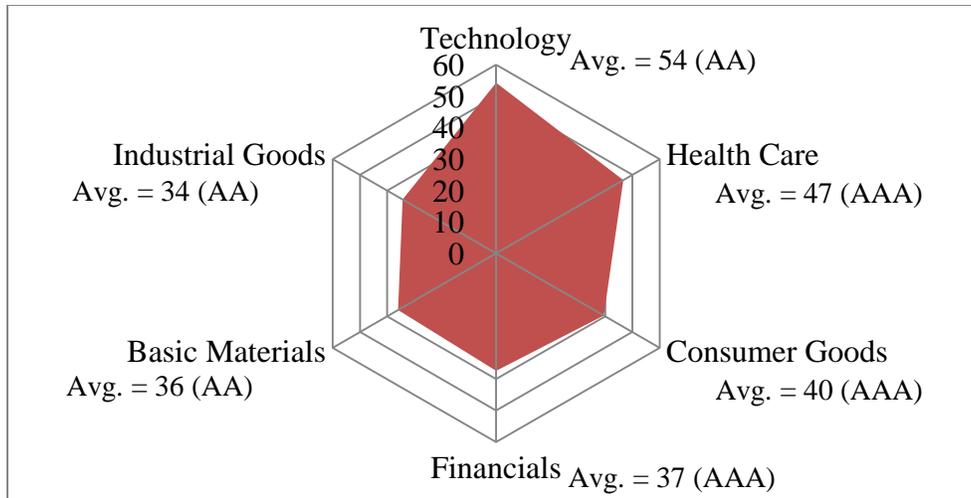
Figure 2: DJC's FIPs Overall Performance.

<sup>4</sup> Twenty-eight out of thirty (93.33%) corporations comply with the Notice principle in all aspects, and twenty-six out of thirty (86.67%) fully comply with the Security principle.

<sup>5</sup> There are thirteen out of thirty (43.33%) companies do not comply with the Choice principle in all aspects, and twenty out of thirty (66.67%) do not fully comply with the Access principle.

### DJC FIPs Sector Performance

Figure 3 displays the trend of FIPs performance among six sectors with their average rating score.



**Figure 3: DJC's FIPs Sector Performance.**

Figure 3 shows that Technology, Health Care, and Consumer Goods tend to have better privacy concerns. Those companies have relatively closed activities with customers rather than the rest sectors. Obviously, those companies have to pay more attentions on their privacy policies. In addition, all the privacy seals are only found in those three sectors, and this will be further discussed in the following section.

### DJC Privacy Seal Performance

Privacy seal aims to give customers a quick and intuitive notification. It helps to self-regulate corporation's privacy policy, and provides a reliable Trustmark for customers. In this project, only nine<sup>6</sup> of thirty (30%) companies display one or more seals in their online privacy policies. It is interesting to note that all the sealed companies were found in Consumer Goods, Health Care, and Technology sectors. Note that all of them have the "Good" performance in terms of FIPs compliance. From this point, it seems that privacy seal does help corporations to better comply with FIPs principles.

### Results of Readability Assessment

Table 7 presents each DJC's FRES, FKGL, and Passive Voice Percent score based on the demonstration of IBM's privacy policy readability measurement and Table 2.

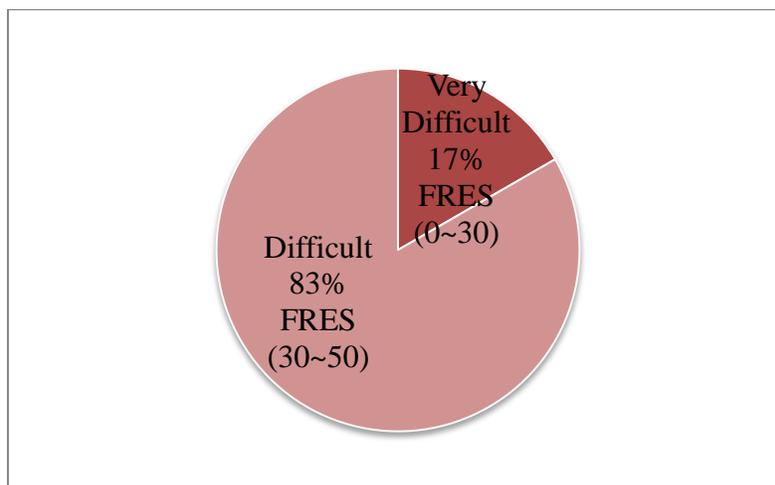
<sup>6</sup> Procter & Gamble, Walt Disney, Merck, AT&T, Cisco, HP, IBM, Microsoft, and Verizon Communications

Com.	FRES	FKGL	Passive %	Difficulty	Com.	FRES	FKGL	Passive %	Difficulty
MMM	33.6	14.4	16%	D <sup>7</sup>	INTC	38.7	12.2	6%	D
AA	40.8	12.8	29%	D	IBM	41.4	13.4	15%	D
AXP	39.9	11.0	4%	D	JNJ	30.0	15.8	36%	VD
T	41.5	12.4	9%	D	JPM	44.3	10.1	6%	D
BAC	36.7	13.9	10%	D	KFT	42.4	12.4	16%	D
BA	39.4	12.3	22%	D	MCD	44.5	12.1	11%	D
CAT	27.4	15.2	15%	VD	MRK	33.5	14.5	11%	D
CVX	33.1	13.6	24%	D	MSFT	36.5	14.1	22%	D
CSCO	32.1	14.7	20%	D	PFE	37.3	13.6	15%	D
KO	36.0	13.6	15%	D	PG	47.1	10.6	9%	D
DD	31.5	14.8	12%	D	TRV	40.4	12.2	16%	D
XOM	26.5	16.3	9%	VD	UTX	48.1	11.3	23%	D
GE	44.4	12.4	11%	D	VZ	27.2	15.5	22%	VD
HPQ	34.1	14.0	17%	D	WMT	41.2	11.8	9%	D
HD	35.3	14.3	21%	D	DIS	28.6	14.5	16%	VD

**Table 7: DJC's Readability Difficulty Score.**

***DJC Readability Overall Performance***

Table 7 indicated all thirty DJCs' privacy policies were either "Difficult" or "Very Difficult" to read. The average FRES of those thirty companies was equal to 37.12, which means "Difficult" or "Academic<sup>8</sup> text." The average FKGL of them was equal to 13.33, which reveals that only college educated customers can comprehend those difficult privacy policies. The following pie chart displays the weight of each difficulty grade.



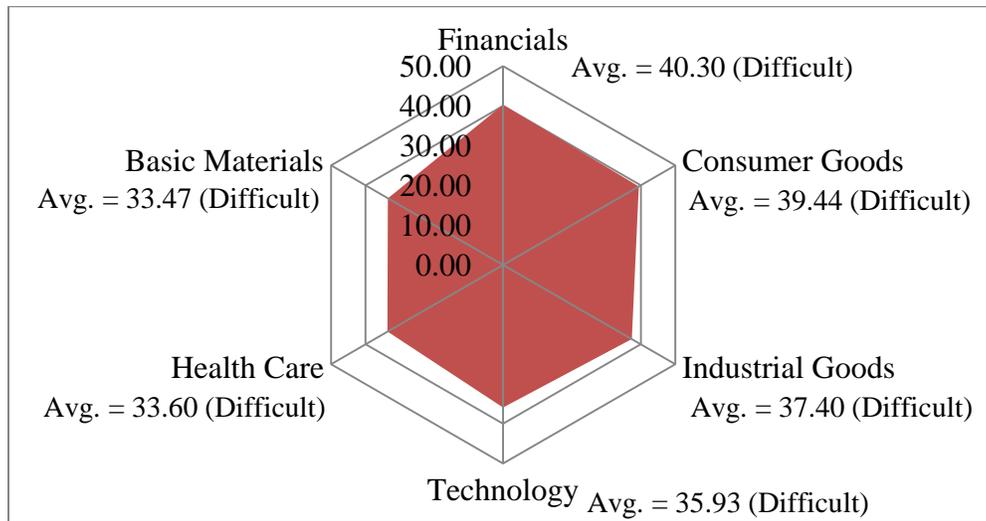
**Figure 4: DJC's Readability Overall Performance.**

<sup>7</sup> D refers to "Difficult"; VD refers to "Very Difficult".

<sup>8</sup> See Table 2.

**DJC Readability Sector Performance**

Figure 5 indicates the trend of readability among the six sectors with their average FRES score.



**Figure 5: DJC's Readability Sector Performance.**

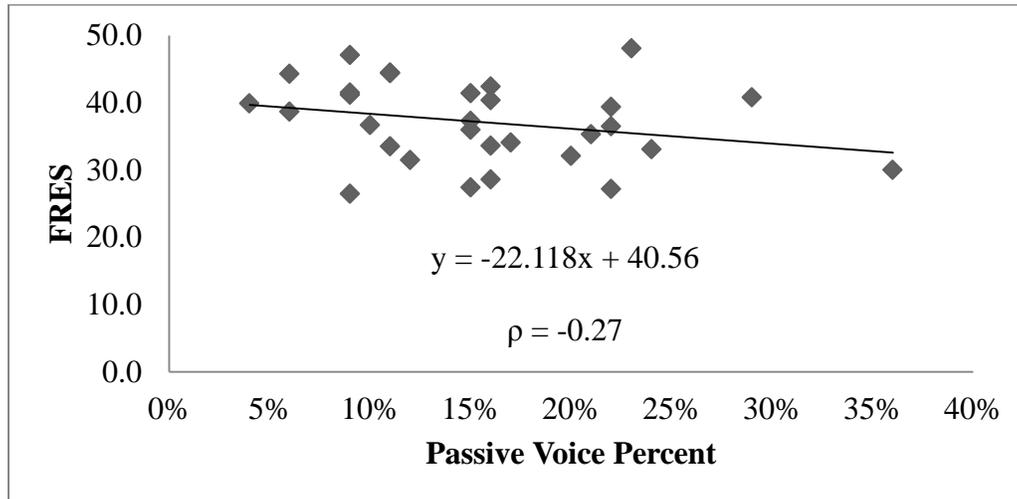
Although those six sectors have very similar performance in terms of readability, it seems that the Financials sector trended to have the best performance among them. Recently, many banks have updated their privacy policies with written letter notice to customers, such as Bank of America, JPMorgan Chase, etc., (Y. Li, personal communication, 2012). As one credit-card holder of Bank of America, the author has had personal experience with several privacy notice received. However, each bank has their own way to draw up their privacy policies, and none of them (limited to DJCs) displayed a privacy seal in their online privacy policies. Meanwhile, banks would like their customers to read the privacy policies, which contain lots of critical personal and financial information, such as Social Security Number, Date of Birth, etc. Therefore, in order to satisfy current and future customers with different educational backgrounds, the Financials sector has to make their privacy policies relatively easy to read and better organized.

Due to the fact that all privacy policies of the thirty DJCs were hard to understand, the analysis of Passive Voice Percent will help to give some direction to the terms of policy readability. Still, there has been continued debates regarding whether or not passive voice will decrease readability or reduce the reading speed, it seems that the passive-voice-percent analysis would help to further explore the readability performance of DJCs' online privacy policies.

**DJC Passive Voice Performance**

According to Table 2 and Table 7, all the DJC's privacy policies were either "scientific" or "academic" text and Rhodes (1997) believed that there no difference regarding comprehensibility between active and passive voice in scientific writing, it seems that there will

be no relationship between FRES and Passive Voice Percent. However, Figure 6 displays a different finding.



**Figure 6: Relationship between Passive Voice and FRES.**

As indicated in Figure 6, there was a slight negative relationship between Passive Voice Percent and FRES. In other words, passive voice indeed decreases policy readability in a small weight. Furthermore, the Correlation Coefficient ( $\rho$ ) of those two variables was equal to  $-0.27$ , which means the inverse relationship between those two variables is considerable, but not significant.

On the other hand, the regression equation in Figure 6 revealed that as an extreme situation. When passive voice percent was equal to 0, FRES would reach its maximum value of 40.56; however, it was still defined as “Difficulty.” Therefore, passive voice essentially cannot change the hard-to-read nature of online privacy policies of DJCs in terms of readability, but may be able to help to improve its performance.

### ***Result of CBPA Student Survey***

A survey was given to undergraduate and graduate students in the CBPA College at CSUSB. The results were not atypical. The results corresponded to the research conclusions of DJCs’ online privacy policies in terms of privacy concerns and policy readability.

### ***Importance of Online Privacy Policy***

Table 8 shows the responds for question one: Do you think Online Privacy Policy is important?

#	Answer		Response	%
1	Unimportant		0	0%
2	Neither Important nor Unimportant		2	2%
3	Somewhat Important		12	10%
4	Very Important		51	44%
5	Extremely Important		52	44%
	Total		117	100%

**Table 8: Importance of Online Privacy Policy Survey Statistics.**

As shown in Table 8, eighty-eight percent of students believed online privacy policy was either very important or extremely important. None of the students considered the privacy policy as unimportant. Thus, the first survey question provided a solid evidence for intensive privacy concerns and also showed the significance of this project. Table 8 also indicated that most customers indeed care about their privacy nowadays, which was reflected in the Review of the Literature.

**Readability of Online Privacy Policy**

Table 9 displays the responds for question two: How is the READABILITY of Online Privacy Policy according to your experience?

#	Answer		Response	%
1	Very Difficult		15	13%
2	Difficult		18	15%
3	Somewhat Difficult		35	30%
4	Neutral		39	33%
5	Somewhat Easy		7	6%
6	Easy		3	3%
7	Very Easy		0	0%
	Total		117	100%

**Table 9: Readability of Online Privacy Policy Survey Statistics.**

When developing the second survey question, the phrase, “according to your experience” was added to the end of the sentence since students might not read the privacy policy at all. Coincidentally, the most frequent answer was “Neutral” at 33%. It indicated that there were a quite number of students that did not know the readability of various online privacy policies. In order words, the individual never read the policy or just quickly scanned it to give an answer.

In addition, forty-five percent of the students believed that the online privacy policy was either “somewhat difficult” or “difficult” to read. Thirteen percent of them even felt that the policy was “very difficult” to understand. Less than ten percent of the people said the policy was “easy” or “somewhat easy” to read. However, none of them stated it was “very easy” to read. Therefore, it can draw a very clear and simple conclusion that most online privacy policies were not easy to

read. Actually, in terms of DJCs' online privacy policies, all of them were difficult to read and some of them were even very difficult to understand.

## **CONCLUSIONS AND RECOMMENDATIONS**

Primary research question one: How well does DJC's online privacy policy comply with FTC Fair Information Practice Principles?

The findings revealed that all the thirty DJCs posted an online privacy policy, and sixty-four percent of them, generally speaking, comply with FTC FIPs principles. Nine of those corporations have displayed a privacy seal in their online privacy policies. Among the six sectors of DJCs, Technology sector occupies six seals and has the best performance in terms of FIPs compliance.

Primary research question two: How is the readability of DJC's online privacy policy; is it easy to understand?

Unfortunately, all thirty DJCs' online privacy policies are difficult to read, and require at least college education to comprehend the "academic context." Seventeen of them are even very difficult to read, and need graduate training to understand the "scientific text." Although it cannot change the hard-to-read nature of DJC's online privacy policy, the average Passive Voice Percent of those thirty companies are relatively high comparing with Google's (5 %). Financials sector and Consumer Goods sector have a slightly better performance than the rest sectors in terms of policy readability.

Overall, the thirty DJCs' online privacy policies have relatively good privacy protection for their customers; however, none of them proposed a widely readable online privacy policy to help customers to better understand it. Overtime, customer's privacy will play a critical role for companies to keep and maintain their business relationships with customers. Therefore, corporations have to consummate their privacy policy, especially complying with FIPs principles and to reduce the complexity of the policy to help customers to understand. The following section will provide some advice in terms of how to improve DJC's online privacy policy.

The recommendations will be given from both FIPs compliance and policy readability viewpoints. In terms of FIPs compliance, DJCs need to update their online privacy policies more frequently due to the facts of rapidly growing e-businesses and intensive privacy concerns. Although there are some other third parties (e.g. FreePrivacyPolicy.com) provide the service of generating online privacy policy, it is recommended that DJCs to join in the privacy seal program to create the certified online privacy policy by TRUSTe, BBBOnLine or WebTrust. The privacy seal provides a Trustmark for the online privacy policy, and also improves the readability by giving customers a quick and intuitive sense.

In addition, reducing the policy length will shorten the time consumptions spent by customers for reading. Using more ordinary words rather than advanced vocabulary would decrease ASW<sup>9</sup>,

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<sup>9</sup> Average Word Length in Syllables; see the Review of the Literature, FRES & FKGL.

thus, to increase FRES score. Similarly, applying more short sentences than complex ones would reduce ASL<sup>10</sup> leading to raise FRES. Eventually, the enlarged FRES will improve the overall readability of DJC's online privacy policy.

Furthermore, adopting more active voice than passive voice could also mend the policy readability in some degree. However, corporations will face a fact that they have to disclose and clarify the subject of each sentence. It might hurt the companies' equity or offend some certain laws. Therefore, blindly to reduce the passive voice would bring a negative impact on DJC's online privacy policy. To balance, keeping the Passive Voice Percent in a small amount (e.g. 5% like Google's) would be the best way for both corporations and customers.

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<sup>10</sup> Average Sentence Length; see the Review of the Literature, FRES & FKGL, too.

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## APPENDIX A

## THE THIRTY DOW JONES CORPORATION COMPONENTS

Ticker	Company	URL
MMM	3M Co.	<a href="http://www.3m.com">www.3m.com</a>
AA	Alcoa Inc.	<a href="http://www.alcoa.com/global/en/home.asp">www.alcoa.com/global/en/home.asp</a>
AXP	American Express Co.	<a href="http://www.americanexpress.com">www.americanexpress.com</a>
T	AT&T	<a href="http://www.att.com">www.att.com</a>
BAC	Bank of America	<a href="http://www.bankofamerica.com">www.bankofamerica.com</a>
BA	Boeing Co.	<a href="http://www.boeing.com">www.boeing.com</a>
CAT	Caterpillar Inc.	<a href="http://www.cat.com">www.cat.com</a>
CVX	Chevron	<a href="http://www.chevron.com">www.chevron.com</a>
CSCO	Cisco Systems Inc.	<a href="http://www.ciscosystems.com">www.ciscosystems.com</a>
KO	Coca-Cola Co.	<a href="http://www.thecoca-colacompany.com">www.thecoca-colacompany.com</a>
DD	E.I. DuPont de Nemours & Co.	<a href="http://www.dupont.com">www.dupont.com</a>
XOM	Exxon Mobil	<a href="http://www.exxonmobil.com/corporate">www.exxonmobil.com/corporate</a>
GE	General Electric Co.	<a href="http://www.ge.com">www.ge.com</a>
HPQ	Hewlett-Packard	<a href="http://www.hp.com">www.hp.com</a>
HD	Home Depot Inc.	<a href="http://www.homedepot.com">www.homedepot.com</a>
INTC	Intel Corp.	<a href="http://www.intel.com/content/www/us/en/homepage.html">www.intel.com/content/www/us/en/homepage.html</a>
IBM	International Business Machines Corp.	<a href="http://www.ibm.com/us/en">www.ibm.com/us/en</a>
JNJ	Johnson & Johnson	<a href="http://www.jnj.com">www.jnj.com</a>
JPM	JPMorgan Chase	<a href="http://www.jpmorganchase.com/corporate/Home/home.htm">www.jpmorganchase.com/corporate/Home/home.htm</a>
KFT	Kraft Foods Inc. CI A	<a href="http://www.kraftfoodscompany.com">www.kraftfoodscompany.com</a>
MCD	McDonald's Corp.	<a href="http://www.mcdonalds.com">www.mcdonalds.com</a>
MRK	Merck & Co. Inc.	<a href="http://www.merck.com">www.merck.com</a>
MSFT	Microsoft Corp.	<a href="http://www.microsoft.com">www.microsoft.com</a>
PFE	Pfizer Inc.	<a href="http://www.pfizer.com">www.pfizer.com</a>
PG	Procter & Gamble Co.	<a href="http://www.pg.com">www.pg.com</a>
TRV	Travelers Cos.	<a href="http://www.travelers.com">www.travelers.com</a>
UTX	United Technologies Corp.	<a href="http://www.utc.com/Home">www.utc.com/Home</a>
VZ	Verizon Communications	<a href="http://www.verizon.com">www.verizon.com</a>
WMT	Wal-Mart Stores Inc.	<a href="http://www.walmart.com">www.walmart.com</a>
DIS	Walt Disney Co.	<a href="http://www.corporate.disney.go.com/">www.corporate.disney.go.com/</a>

Source: ("Components," 2012).

**APPENDIX B**

**U.S. EDUCATION GRADE LEVEL STRUCTURE**

Grade Level <sup>11</sup>		Age or Title
	Graduate School	
20 <sup>th</sup> Grade		4 <sup>th</sup> Year (ages vary)
19 <sup>th</sup> Grade		3 <sup>rd</sup> Year (ages vary)
18 <sup>th</sup> Grade		2 <sup>nd</sup> Year (ages vary)
17 <sup>th</sup> Grade		1 <sup>st</sup> Year (ages vary)
	Undergraduate School	
16 <sup>th</sup> Grade		Senior (ages vary)
15 <sup>th</sup> Grade		Junior (ages vary)
14 <sup>th</sup> Grade		Sophomore (ages vary)
13 <sup>th</sup> Grade		Freshman (ages vary)
	High School	
12 <sup>th</sup> Grade		17-18
11 <sup>th</sup> Grade		16-17
10 <sup>th</sup> Grade		15-16
9 <sup>th</sup> Grade		14-15
	Middle School	
8 <sup>th</sup> Grade		13-14
7 <sup>th</sup> Grade		12-13
6 <sup>th</sup> Grade		11-12
	Elementary School	
5 <sup>th</sup> Grade		10-11
4 <sup>th</sup> Grade		9-10
3 <sup>rd</sup> Grade		8-9
2 <sup>nd</sup> Grade		7-8
1 <sup>st</sup> Grade		6-7
Kindergarten		5-6
Preschool		4-5

Source: (“Education in the United States,” 2012)

<sup>11</sup> The author integrated elementary, secondary, and post-secondary educations with continued grade levels.

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