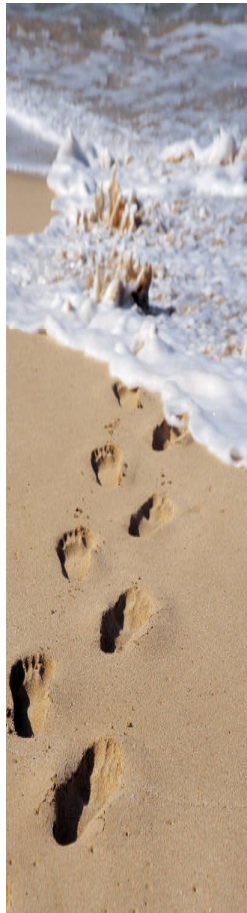




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# **Digital Footprints:**

## **A Primer on Tracking Technologies and the Rules and Best Practices Surrounding Profiling and Behavioral Advertising**



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- I. **The Landscape: Tools, Techniques & The Players**
- II. **The FTC Perspective**
- III. **What Rules Apply to Tracking and Targeting ?**
  - A. **US Laws / Pending Legislation**
  - B. **Digital Advertising Alliance Self-Regulatory Regime**
  - C. **The European Perspective**
- IV. **What Additional Rules and Best Practices Apply in the Mobile Environment?**
- V. **What Does Your Company Need to Do Now?**
- VI. **Q & A**

***\*Views expressed are those of speakers, not employers.***



## The Landscape: Context for Tracking

Website Customization and Analytics

Advertising  
(Online and Mobile)

Location Based Services

Mobile Applications



## The Landscape: Tracking Technologies

- **There are Many**
  - Browser cookies, Clear GIFs, Web Beacons or Bugs, Pixel Tags
  
- **A Few Are Particularly Noteworthy**
  - Flash Cookies or Locally Stored Objects (LSO)
  - Browser Sniffing
  - HTML5



## The Landscape: Targeting Techniques

<b>Contextual</b>		<b>Site Retargeting</b>
<b>Behaviorial (Based on Site Profile)</b>	<b>Behavioral (Based on External Profile)</b>	<b>Location-Based Targeting</b>
<b>Demographic (Based on Site Profile)</b>	<b>Demographic (Based on External Profile)</b>	
	<b>Look Alike Targeting</b>	



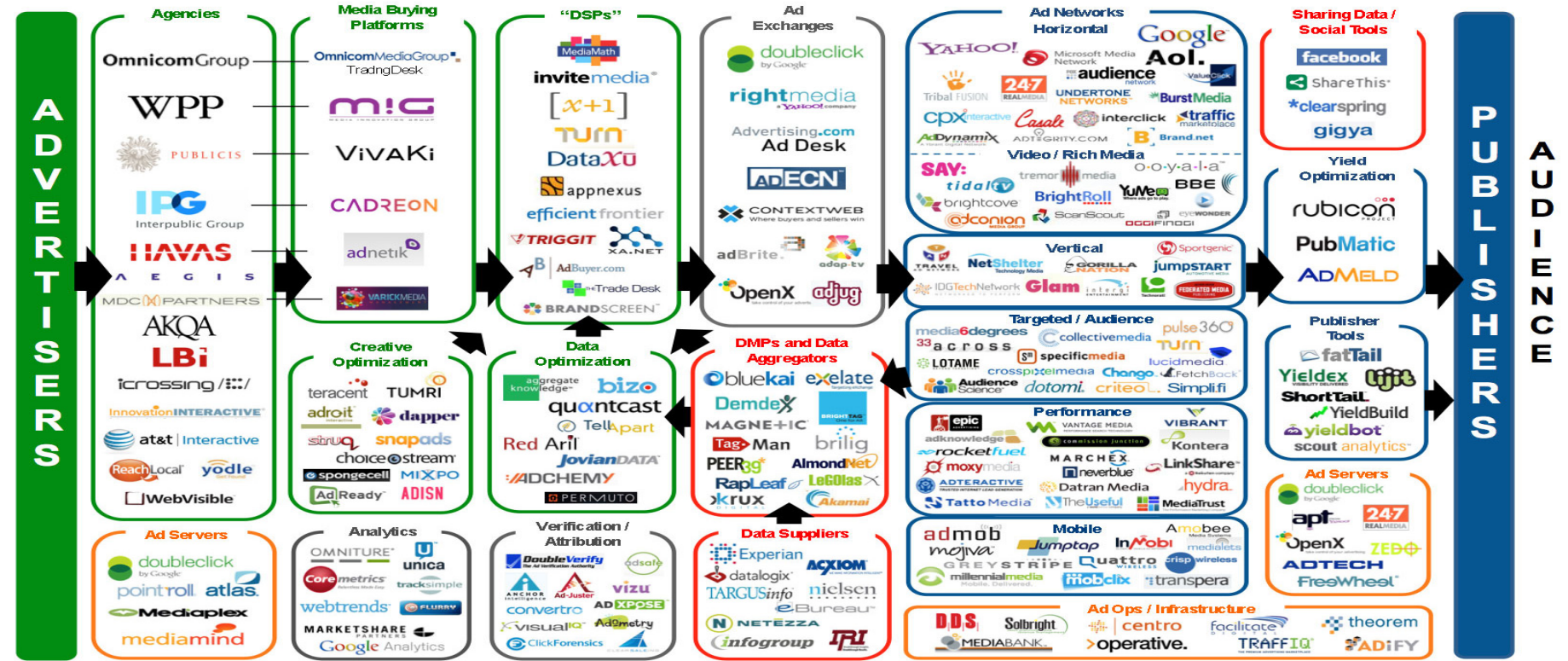
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## The Landscape: The Players

### Display Advertising Technology Landscape





## The Landscape: The Mobile Environment

- **“Tracking” and Targeting**
  - Registration for Delivery of Telephone and Data Services
  - Diagnostics for Network and Handset, M2M Functionality
  - Compliance with Regulations (FCC)
  - Location Based Services
  - Photo Geo-tagging
  - Apps
  - Mobile Web Browsing History (Web logs, cookies)
  - Behavioral Advertising on mobile platforms



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## **The Landscape: Evolving Eco System with Many Players**

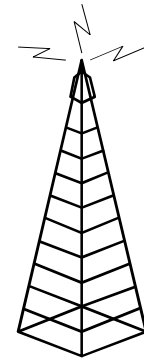
- **Carriers**
- **Operating System Platforms**
- **Handset Manufacturers**
- **Application Developers/Providers**
- **Mobile Browsers**
- **Diagnostics**
- **Analytics**
- **Ad Networks, Advertisers**





## Location Data – Carrier Technologies

- **Location Information is important information needed to deliver Voice calls, and call detail records fall under CPNI.**
- **The Wireless Carrier also has ability to provide consumer services with Location data for Data- Services by these technologies:**
  1. Access Point ID:
    - A. Cell Tower or
    - B. Wifi ID
  2. Triangulation / Trilateration
    - A. Uplink- U-TDOA uplink time delay of arrival
    - B. Downlink- AFLT, OTDOA, downlink time delay of arrival
  3. Assisted Global Positioning System (A-GPS)
  4. Hybrid set of Technologies





## ***Location Data – Non-Carrier Technologies (Carrier Agnostic)***



- Location Information can be gathered from technologies in which the wireless carrier has no influence
- Examples of location technologies utilized by mobile devices (and applications on mobile devices) that require no carrier involvement include:

1. Global Positioning System (“GPS”)
2. Third Party Crowd-Sourced Position Services (*mapping*)
  - A. Independent Cell Tower mapping
  - B. WiFi HotSpot mapping
3. End-User Entry



*Source: CTIA 2011*



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## **Mobile Web – Tracking Technologies**

- Web logs**
- Cookies**
- Integrated data from online and mobile web surfing experience**
- Above data augmented by location data (carrier or non-carrier provided)**



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## **Mobile Location Based Services – LBS**

- **Maps & Navigation**
- **Family Finders**
- **Phone Locators**
- **Social Network Enhancements**
- **411 (local restaurants, gas stations, etc.)**
- **Safe Driving Applications**
- **Fraud Detection**
- **Geo-tagging**
- **Advertising**



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## ***Applications***

- **Some apps use specific location data to give you maps, coupons for nearby stores, or information about who you might know nearby. Some provide location data to ad networks, which may combine it with other information in their databases to target ads based on your interests and your location.**
- **Once an app has your permission to access your location data, it can do so until you change the settings on your phone. If you don't want to share your location with advertising networks, you can turn off location services in your phone's settings. But if you do that, apps won't be able to give you information based on your location unless you type it in yourself.**

*Source: FTC Consumer Guidance 2011*



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## **What is Online Behavioral Advertising/Targeting?**



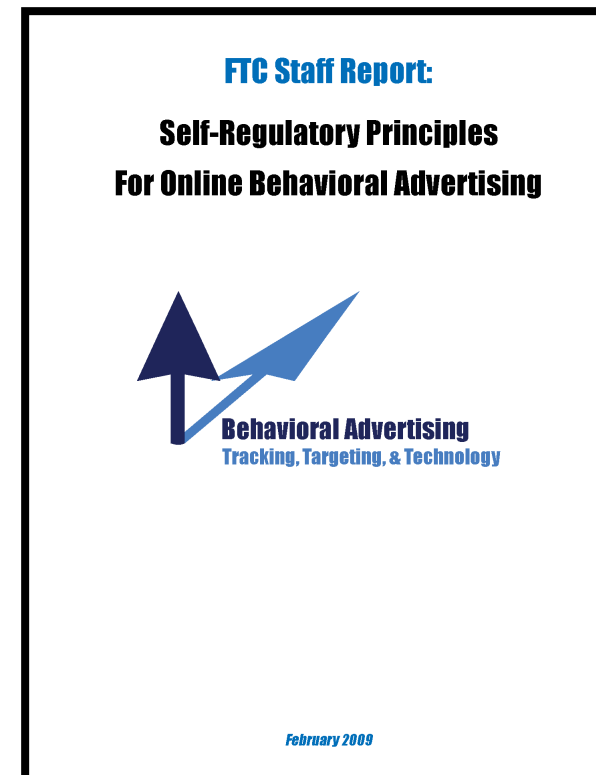
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## Online Behavioral Advertising

- “Online behavioral advertising involved the tracking of consumers’ online activities in order to deliver tailored advertising. The practice, which is typically invisible to consumers, allows businesses to align their ads more closely to the inferred interests of their audience. In many cases, the information collected is not personally identifiable in the traditional sense – that is, the information does not include the consumer’s name, physical address, or similar identifier that could be used to identify the consumer in the offline world. Instead, businesses generally use ‘cookies’ to track consumers’ activities and associate those activities with a particular computer or device. Many of the companies engage in behavioral advertising as so-called ‘network advertisers,’ companies that select and deliver advertisements across the Internet at websites that participate in their networks.”

-- *FTC Staff Report: Self-Regulatory Principles For Online Behavioral Advertising (February 2009)*





## Online Behavioral Advertising

- “Online Behavioral Advertising means the collection of data from a particular computer or device regarding Web viewing behaviors over time and across non-Affiliate Web sites for the purpose of using such data to predict user preferences or interests to deliver advertising to that computer or device based on the preferences or interests inferred from such Web viewing behaviors. Online Behavioral Advertising does not include the activities of First Parties, Ad Delivery or Ad Reporting, or contextual advertising (i.e. advertising based on the content of the Web page being visited, a consumer’s current visit to a Web page, or a search query).”

*-- Self-Regulatory Principles for Online Behavioral Advertising (July 2009)*







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## Online Behavioral Advertising and Other Privacy Initiatives



*The views expressed are those of the speaker and not necessarily those of the FTC.*

**October 24, 2011**  
**Ryan Mehm**  
**Federal Trade Commission**



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## Overview

- **FTC Background Information**
- **FTC at Forefront of Consumer Privacy and Behavioral Advertising**
- **December 2010 Preliminary Staff Report: A Proposed Framework for Business and Policymakers**
- **Observations on “Do Not Track”**
- **Moving Forward**



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## FTC Background Information

- **FTC is an independent law enforcement agency**
  - Five Commissioners appointed by President
- **Consumer protection and competition mandate**
- **Section 5 of the FTC Act**
  - Broad authority to prohibit unfair or deceptive acts or practices
- **Commission brings law enforcement actions in federal or administrative court. Also policy work – public workshops, Congressional testimony, consumer education and guidance to business**
- **Privacy has been a key consumer protection priority**
  - No omnibus privacy law, sectoral approach
  - In addition to Section 5, enforce several privacy laws



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## FTC at Forefront of Consumer Privacy and Behavioral Advertising

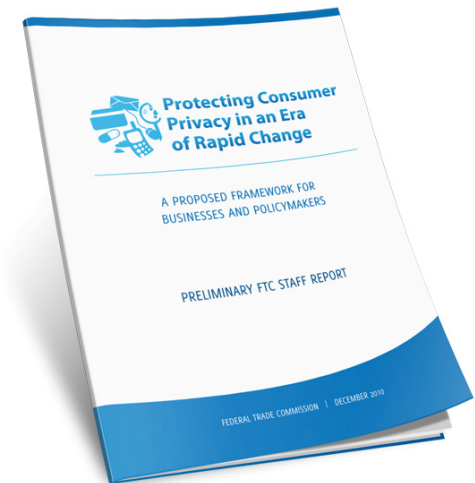
- **FTC Holds Behavioral Advertising Town Hall – November 2007**
- **FTC Staff Releases Proposed Principles to Encourage Industry to Improve Behavioral Advertising Practices – December 2007**
- **Over 60+ Comments Submitted – 2008**
- **FTC Releases Staff Report: Self-Regulatory Principles for Online Behavioral Advertising – February 2009**
  - Transparency and Consumer Control
  - Reasonable Security and Limited Retention
  - Affirmative Express Consent for Material Changes to Privacy Promises
  - Affirmative Express Consent for Using Sensitive Data
- **FTC Conducts Series of Public Roundtables – December 2009, January 2010, and March 2010**
  - Significant Public Participation





## December 2010 Preliminary FTC Staff Report

- **Broad Scope: Applies to commercial entities collecting or using consumer data in online and offline contexts**
- **Three Main Principles:**
  - **Principle #1: Adopt Privacy by Design**
    - Employ reasonable safeguards to protect data
    - Limit data collection and length of retention
    - Enact procedures to promote data accuracy
    - Implement internal privacy programs
  - **Principle #2: Simplify Privacy Choices**
    - Carve out commonly accepted business practices – fraud prevention, first party collection and use, fulfillment
    - All other practices should have simple choice at relevant time and context
  - **Principle #3: Improve Transparency**
    - Standardize and enhance privacy disclosures to enable better comprehension and comparison of privacy practices
    - Provide reasonable access to consumer data maintained
    - Educate consumers about data privacy practices
    - Obtain affirmative express consent for material changes





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## Do Not Track

- **Recent Industry Developments**
  - Mozilla Firefox DNT Header
  - Internet Explorer 9 DNT Header and Tracking Protection Lists
  - DAA Self-Regulatory Program
  - Google Chrome “Keep My Opt-Outs” extension
  - Apple DNT Tool



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## Moving Forward

### – Vigorous Law Enforcement

- Chitika: FTC's first online behavioral advertising case against an online network advertiser
- Google Buzz: First time the FTC has required a company to implement a comprehensive privacy program
- W3 Innovations, LLC: First FTC case involving mobile applications

### – FTC Preliminary Staff Report: Next Steps

- FTC currently analyzing approximately 450 comments
- Report expected to be finalized in 2011



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## Questions?

– More information available at:

[www.ftc.gov](http://www.ftc.gov)

**Ryan Mehm**

**Federal Trade Commission**

**rmehm@ftc.gov**







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## **What Legal Requirements Apply to Different Types of Online Targeting?**

- Current Law**
- Self-Regulatory Regimes**
- Pending Legislation**



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## **What Legal Requirements Apply to Different Types of Online Targeting?: Current Law**

**Is there a current law that governs online behavioral advertising? Yes or No?**



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## **What Legal Requirements Apply to Different Types of Online Targeting?: Current Law**

- **Section 5 of the FTC Act prohibits *“unfair or deceptive acts or practices”***



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## **What Legal Requirements Apply to Different Types of Online Targeting?: Self-Regulatory Regimes**

**Are there currently self-regulatory regimes that address online behavioral advertising? Yes or No?**

**What does “DAA” stand for?**

- A. Digital Advertising Act**
- B. Digital Advertising Alliance**
- C. Digital Autonomous Advertising**



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## What Legal Requirements Apply to Different Types of Targeting?: Pending Legislation

### Hearings

#### – Senate Hearings

- March 2011: Senate Commerce Committee hearing on privacy
- April 2011: Senate Judiciary Committee on ECPA
- May 2011: Senate Judiciary Committee hearing on mobile
- May 2011: Senate Commerce Committee hearing on mobile and kids
- June 2011: Senate Commerce Committee hearing on privacy and data security

#### – House Hearing

- July 2011: House Energy and Commerce Joint Subcommittee hearing on Internet privacy



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# What Legal Requirements Apply to Different Types of Targeting?: Pending Legislation

## Do Not Track Legislation

- **S. 913, Do-Not-Track Online Act; Sen. Rockefeller (D-WV)**
  - Applies to providers of online services FTC establish DNT mechanism to “simply and easily” indicate preference to prevent personal information collection
  - Prohibits collection from those who opt-out
  - Exemptions for certain collection:
    - (1) necessary to provide requested service
    - (2) individual affirmatively consents to “clear, conspicuous, and accurate” notice
- **H.R. 1895, Do Not Track Kids Act; Rep. Markey (D-MA) and Rep. Barton (R-TX)**
  - Amend COPPA
  - Create new regulations for minors aged 13-17
- **H.R. 654, Do Not Track Me Online Act; Rep. Speier (D-CA)**



# What Legal Requirements Apply to Different Types of Targeting?: Pending Legislation

## **S. 799, Commercial Privacy Bill of Rights Sen. Kerry (D-MA) and Sen. McCain (R-AZ)**

- **Right to Security and Accountability**
    - Security
    - Accountability
    - Privacy by Design
  - **Right to Notice and Individual Participation**
    - Notice (“clear, concise, and timely”)
    - Choice:
      - (1) Opt-Out Choice for Unauthorized Use
      - (2) Opt-out Choice for Behavioral Advertising or Marketing (“robust”)
      - (3) Opt-In Choice for Sensitive PII or Material Change
    - Access and Correction
  - **Data Minimization, Constraints on Distribution, Data Integrity**
- Enforcement
    - Enforced by FTC of State AGs
    - No Private Right of Action
  - Co-Regulatory Safe Harbor Programs
    - Ongoing FTC Oversight
  - Preemption
    - Generally preserves existing federal privacy statutes
  - Commerce Department Policy Development



## What Legal Requirements Apply to Different Types of Targeting?: Pending Legislation

- **H.R. 1528, Consumer Privacy Protection Act; Rep. Stearns (R-FL)**
  - Online & Offline
  - Provide consumers brief notices
  - Post longer privacy policy statements
  - Provide opt-out to prevent sale of data to non-affiliated entities absent contractual protections
  - Obligate maintenance of information security policies
  - Safe harbor for entities participating in self-regulatory program approved by FTC
  - FTC enforcement
  - Preempts state laws relating to PII in commerce
  
- **H.R. 611, BEST PRACTICES Act; Rep. Rush (D-IL)**
  - Online & Offline
  - FTC Rulemaking Authority
  - Safe Harbor and Self-Regulatory Choice Programs
  - First Party Opt-Out
  - Third-Party Opt-In
  - Material Changes
  - Accuracy, Access, and Dispute Resolution
  - Data Security, Data Minimization, and Accountability
  - Private Right of Action





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## What Legal Requirements Apply to Different Types of Targeting?: Pending Legislation

- **S. 1212/H.R. 2168, Geolocational Privacy and Surveillance Act; Sen. Wyden (R-OR) and Rep. Chaffetz (R-UT)**
  - Warrant to intercept/require disclosure of geolocation data
  - Prohibits any person (government, individuals, companies) from collecting, using, or sharing geolocation information *unless* exception (e.g. “prior consent”)
  - Violations punishable by fines and/or imprisonment
  - Private right of action
  
- **S. 1223, Location Privacy Protection Act; Sen. Franken (D-MN) and Sen. Blumenthal (D-CT)**
  - Amends ECPA
  - Requires express authorization for knowingly collecting, receiving, recording, obtaining, or disclosing geolocation information from an electronic communications device to a nongovernmental entity
  - Private right of action



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## Digital Advertising Alliance (DAA)



- Self-regulatory program for online behavioral advertising
- [www.AboutAds.Info](http://www.AboutAds.Info)

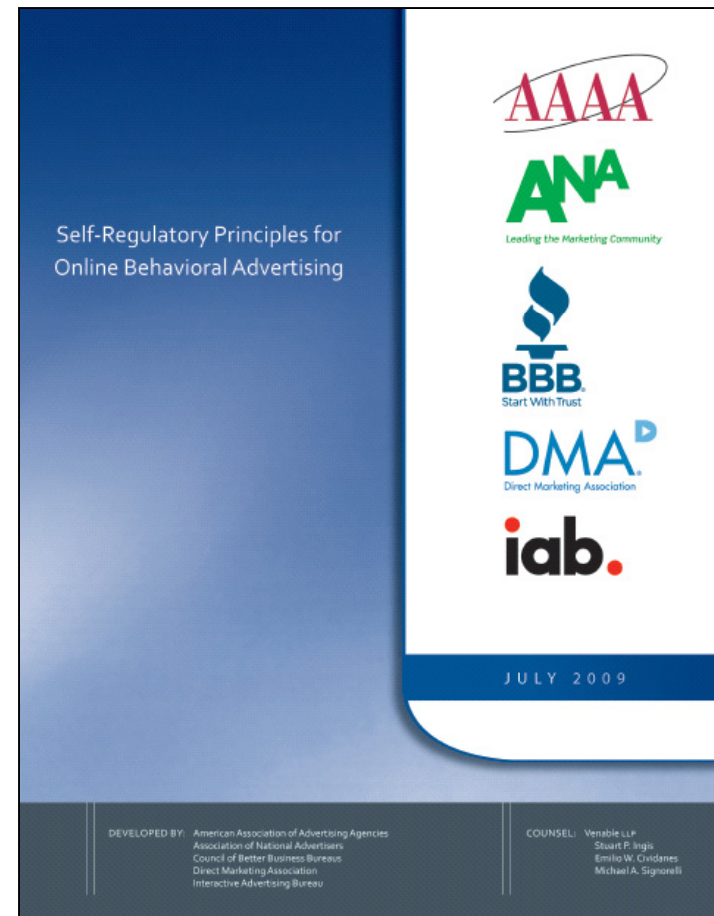


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## Self-Regulatory Principles for Online Behavioral Advertising

- Education
- Transparency
- Consumer Control
- Data Security
- Material Changes to Existing OBA Policies and Practices
- Sensitive Data
- Accountability





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## Advertising Option Icon



Ad Choices 

The “Advertising Option Icon” and accompanying language appears **in or near** online advertisements or on Web pages where data is collected and used for behavioral advertising.

The Icon indicates adherence to the Principles.

By clicking on the Icon, consumers can link to:

- a clear disclosure statement
- an easy-to-use opt-out mechanism



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## In Ad Notice

**Gardening**

**Yard & Landscaping**

**Pots & Planters**

**For The Home**

**Special Offers**

**Outlet Store**

Customer Service ▶

Search Site

Order By Phone:  
**1-800-123-4567**



Request A Catalog ▶

### ▶ Gardening

- Seedstarting
- Plants & Seeds
- Vegetable Gardening
- Composting
- Flower Gardening
- Gardening Tools
- Pest Controls
- Garden Essentials
- Greenhouses



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## Publisher Notice

### PRODUCT REVIEWS

Laptops  
Desktops  
Printers  
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## DAA Consumer Choice Mechanism

- The Consumer Opt-Out Page [www.AboutAds.info](http://www.AboutAds.info) gives consumers the ability to conveniently opt-out of some or all participating companies' online behavioral ads, if they choose
- Organizations can now register to participate and be listed on the Consumer Opt-Out Page

All Participating Companies (68)    Companies Customizing Ads For Your Browser (9)    Existing Opt Outs (56)

These 9 participating companies have enabled interest-based ads for this web browser.

Click the company name to find out more about a participating company. To opt out from interest-based ads by one or more companies, check the box(es) in the "Select" column next to the company name(s), and then hit the "Submit your choices" button. You can also use click the "Select all shown" box to pre-check all the listed companies before you hit the "Submit" button.

[Need help?](#)

COMPANY NAME	SELECT ALL SHOWN <input type="checkbox"/>
Batanga Network - Doubleclick	<input type="checkbox"/>
Brillig	<input type="checkbox"/>
Criteo	<input type="checkbox"/>
Datran Media LLC.	<input type="checkbox"/>
Dedicated Media (Appnexus)	<input type="checkbox"/>
Dedicated Media (DoubleClick)	<input type="checkbox"/>
Google Inc.	<input type="checkbox"/>
Inflection Point Media	<input type="checkbox"/>
Tribal Fusion	<input type="checkbox"/>

Submitting your choices for the selected companies stores your opt out preference (s) to interest-based advertising in your browser. [Learn more.](#) **Submit your choices**

Important things to remember about the choices you make on this page:

- These opt outs apply to interest-based advertising by participating companies. You will still receive other types of online advertising from participating companies, and the Web sites you visit may still collect information for other purposes.
- The opt out choices you select are stored in opt out cookies only in this browser, so you should separately set your preferences for other browsers or computers you may use. Deleting browser cookies can remove your opt out preferences, so you should visit this page periodically to review your preferences, or update to include new participating companies.

**Choose all companies**    **Opt out from all participating companies.**  
Submitting your choices for all currently participating companies stores your opt out preferences to interest-based advertising in your browser. [Learn more](#)



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## What Should You Do at Your Company Now?

- Register to use Advertising Option Icon
- Register to Participate in choice mechanism
- Review consumer & business educational materials

[www.AboutAds.info](http://www.AboutAds.info)

THE SELF-REGULATORY PROGRAM FOR ONLINE BEHAVIORAL ADVERTISING

Home	About the Principles	For Consumers	For Participating Companies	Participating Associations	Contact
------	----------------------	---------------	-----------------------------	----------------------------	---------



TM  
Advertising Option Icon

Welcome to the online home of the Self-Regulatory Program for Online Behavioral Advertising.


Building on the [Self-Regulatory Principles for Online Behavioral Advertising](#) (Principles) released in July 2009, the nation's largest media and marketing associations have come together to launch this Program, which gives consumers a better understanding of and greater control over ads that are customized based on their online behavior (also called "interest-based" advertising).

Our participating companies share a commitment to delivering consumers a robust and credible Program of notice and choice for online behavioral advertising, and to enhancing consumer confidence in the online medium.








**For Consumers**

**Learn about Online Behavioral Advertising:** If you're an online user, you can [find out more](#) about online behavioral advertising and how it helps provide you with more relevant advertising on the websites you visit. You'll learn how online advertising supports the free content, products and services you use online; what choices you have; and how to use browser controls to enhance your privacy.

**Exercise Your Choice:** You can now [visit](#) the beta version of the Program's Consumer Opt Out Page, which allows users to conveniently opt-out from online behavioral ads served by some or all of our participating companies.



Make choices about interest-based ads from participating companies







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## The European Perspective





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## The EU Cookie

- **Amendment to Directive 2009/136/EC, Article 5(3) Requires:**
  - Clear and Comprehensive Notice Re: Storing or Access to Information on User's Equipment and Purpose of Storage/Access; and
  - Prior Consent To Storage/Access, *i.e.*, Cookie/Tracking Technology
- **Issue Framed: Dropping the Cookie**
- **Exceptions to Prior Consent Requirement:**
  - Technical storage or access for the sole purpose of carrying out the transmission of a communication
  - Storage or Access Strictly Necessary To Provide Service Explicitly Requested



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## The EU Cookie: Open Issues

- **How Will MS Implement In National Legislation?**
  - To What Extent Will Implementation be Inconsistent?
- **What Will Satisfy Prior Consent Requirement?**
  - Browser Solution?
  - UK Information Commissioner's Website ([www.ico.gov.uk](http://www.ico.gov.uk)):

The ICO would like to use cookies to store information on your computer, to improve our website. One of the cookies we use is essential for parts of the site to operate and has already been set. You may delete and block all cookies from this site, but parts of the site will not work. To find out more about the cookies we use and how to delete them, see our Privacy Notice

I accept cookies from this site.

- **Which Cookies Will Fall Within Exceptions? *i.e.*, Which Cookies Will Trigger the Prior Consent Requirement?**
- **Long Arm Jurisdiction?**



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## **Laws and Regulations for the Mobile Environment**

### **– Regulatory Enforcement**

- Federal Communications Commission
  - CPNI
  - Location-Based Services
  
- Federal Trade Commission
  
- U.S. Department of Commerce



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## **Private Litigation / Class Action Suits**

- **Concerning Applications Developers and Operating Systems for collecting and using data without adequate notice and consumer choice (including location data)**
  - Unchartered waters on privacy harm and accountability points in the mobile ecosystem.



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## **Self Regulation and Best Practices**

- **Location Data – CTIA Guidelines and Best Practices for Location Based Services (LBS)**
- **Photo Geo-tagging – Handset Default as “OFF”**
- **Apps – High level principle emerging from software associations and privacy think tanks (Future of Privacy Forum/Center for Democracy and Technology; Contract Provisions, Notices, Third Party Application Alerts, Handset Controls,**
- **Behavioral Advertising – Emerging guidance from the DAA and Mobile Marketing Association**



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## CTIA-Voluntary Consumer Code – #10

TEN

### ABIDE BY POLICIES FOR PROTECTION OF CUSTOMER PRIVACY

**E**ach wireless carrier will abide by a policy regarding the privacy of customer information in accordance with applicable federal and state laws, and will make available to the public its privacy policy concerning information collected online. Each wireless carrier will abide by the CTIA Best Practices and Guidelines for Location-Based Services.

*Source: CTIA 2011*



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## **CTIA Guidelines and Best Practices for Location Based Services**

- **The Core Principles:**
  - End-User Notice
  - End-User Consent (and right to revoke consent)
  
- **CTIA's Guidelines are available at this link:**
  
- **[http://www.ctia.org/business\\_resources/wic/index.cfm/AID/10331](http://www.ctia.org/business_resources/wic/index.cfm/AID/10331)**





## CTIA LBS Best Practices and Guidelines - Notice and Consent

- Recognizing that (1) location information is collected and used by a variety of entities (beyond carriers) in the mobile ecosystem and (2) location information is generated from a variety of sources and using a variety of technologies, the CTIA's LBS Guidelines (Version 2.0 – Adopted in March 2010) adopted a holistic approach.
- The LBS Guidelines focus on the relationship between the “LBS Provider” (which may be a carrier, an App provider, or other party) and the end “user” (which is not necessarily the carrier’s “customer” or the party financially responsible for activity on a device).
- The LBS Guidelines core principles:
  - End-User Notice
  - End-User Consent (and right to revoke consent)\*

*\*Note: The Guidelines recognize exceptions to the “consent” requirement for certain LBS specifically intended to ensure location awareness of family or employees. But the end-user must nevertheless be provided adequate notice – and can choose not to utilize the device provided by parent or employer.*

Source: CTIA 2011



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## Privacy Policies and LBS

### – Customer Consent Required

- To provide location-based services or third-parties access to approximate location information
- Review of carriers' terms and conditions applicable to use of location-based services is highly encouraged
- Carriers follow CTIA's Best Practices Guidelines for Location-Based Services

### – Customer Consent Not Required

- Use of technology to disclose the approximate location of a device to governmental authorities/law enforcement entities when served with lawful process
- E 9-1-1 service
- When reasonable belief there is emergency involving risk of death or serious physical harm

**Note:** *The Guidelines recognize exceptions to the “consent” requirement for certain LBS specifically intended to ensure location awareness of family or employees. But the end-user must nevertheless be provided adequate notice – and can choose not to utilize the device provided by parent or employer. Source: CTIA 2011*



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## App Contracts

- **Contractual Requirements**
  - Privacy Policy
  - Adherence to Best Practices
  
- **Additional Issues:**
  - Who owns customer data?
  - Third-party liability
  - Auditing of apps
  - LBS



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**So . . .**





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## **What Does Your Company Need to Do Now?**

- Take Inventory
- Take a Position
- Determine & Implement Compliance Strategy



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## Take Inventory: Know and Classify Tracking Efforts

### – Who ?

- *Minors?*

### – What Channels?

- *Your Websites*
- *Third Party Websites (Where Your Ads Served ... or Not)*
- *Your Mobile Apps*
- *Advertising within Third Party Apps*
- *Your Pages /Channels on Social Media Platforms*
- *Your Advertising on Social Media Platforms*

### – Using Which Tracking Technologies?

### – Using Which Targeting Techniques?

### – Including Via Third Parties (*i.e.*, Vendors, Business Partners)



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## **Critical Role of Your Clients**

- Educate Your Clients So They Can Tell You
- Get The Information from Your Service Providers /Agencies If Necessary
- Make Clients Responsible For Knowing What Tracking is Occurring and Performing it in a Compliant Manner



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## **Take a Position**

- Are There Tracking Technologies Your Company Will Not Use?**
- Are There Profiling Techniques Your Company Will Not Use?**
- Will Your Company Offer A Particular Notice or Opt-In Prior To Performing Certain Types of Tracking or Targeting?**
- Is There Data Your Company Will or Will Not Buy?**
- Is There Data Your Company Will or Will Not Sell?**
- What Web Analytics Vendors/Solutions Are Permissible?**





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## What Is Required For Activities Your Company Permits?

**Transparency:** Clear Simple Timely Notice At The Appropriate Time And Place

**Opt-Out:** Some Types of Tracking / Profiling May Require Opt-Out or Your Company May Want to Offer an Opt-Out Option

**Consent:** Some Types of Tracking / Profiling May Require Consent or Your Company May Want to Offer a Consent Option



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## Determine & Implement Your Compliance Strategy

### ➤ **No One Size Fits All Solution**

- Will Your Company Wait for Browser Solutions?
- Update Your Privacy Policy?
- Modify Your Vendor Vetting Process?
- Modify Your Vendor Contracts?
- Use Scanning Tool To Monitor First and Third Party Cookies?
- License the Advertising Option Icon?
  - Or Achieve Transparency and Choice Via Other Means?



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## Questions?

