# Privacy in the EU & Pan-European Self-Regulation of Online Behavioral Advertising

The IAB Europe OBA Framework



#### DATA PROTECTION RULES UNDER SCRUTINY

- E-Privacy Directive reviewed ambiguous wording, confusing market and creating legal uncertainty (e.g. cookies, breach notification)
- General Data Protection Directive to be reviewed
- COM Consultations & COM Communication
  - Framework will be stricter than before
  - EU jurisdiction for services offered to EU citizens
  - Right to be forgotten? Works for some but not for most
  - Privacy by design technology mandate?
  - Consent regime to be reviewed
  - IP addresses (and cookies?) personal data



#### THE IAB EUROPE OBA FRAMEWORK

#### • Why self-regulation for OBA?

Privacy concerns in general increased need for enhanced transparency and choice for users – policy makers repeated call for opt-in for OBA

### • Why a European and not a global framework?

Europeans are modest... In Europe we already enjoy a legal framework (Data Protection & E-Privacy Directive)

#### • What is the IAB Europe OBA FW about?

- i) A mechanism to provide an **enhanced notice** to users.
- ii) A mechanism to provide choice for users (i.e. easy to use mechanism to turn off OBA).

  Copyright

# FRAMEWORK SUPPORTED BY ALL KEY STAKEHOLDERS AT EU & MS LEVEL

























# KEY OBLIGATIONS



#### INTRODUCTION

 WHO? Ad networks, website operators, advertisers, agencies and companies 'harvesting URL from all or substantially all URLs'

WHERE? EEA countries (EU + NOR, ICE and LIE) + CH

WHAT? Main obligations for third party OBA



#### NOTICE & CHOICE MECHANISM

- Enhanced notice (through standardised icon)
- in or around the advert (ad icon)
- the icon can be used somewhere on the web page where data for OBA purpose are collected either by publisher or ad network
- iii) on intermediary page or expanding window once user clicks on icon more information about OBA (collecting entity, advertiser, link to youronlinechoices,...)

#### User choice tool

j) youronlinechoices.eu – users can switch off OBA (cookies-based - persistent plug in to come) Copyright

# ADVERTISERS & AGENCIES - SENSITIVE SEGMENTATION

- No OBA-Segments to specifically target children (age 12 and under)
- No OBA-Segments relying on use of sensitive personal data without explicit consent
- When advertisers & agencies permit third party
   OBA on their own website, they have to comply with Web Operators obligations.



#### **OPT-IN FOR CERTAIN CATEGORIES**

- Companies 'harvesting URL from all or substantially all URLs'
  - Explicit consent
  - Such companies must meet all the obligations of Third parties with respect to notice and choice on their own websites.







#### How will it work in practice?

Link to website operator privacy section

Notice + link to youronlinbechoic es.eu website

Icon in-or around the ad

Intermediary page (by ad network or generic): information + link to youronlinbechoices.eu website

European industry website: Information + consumer control page



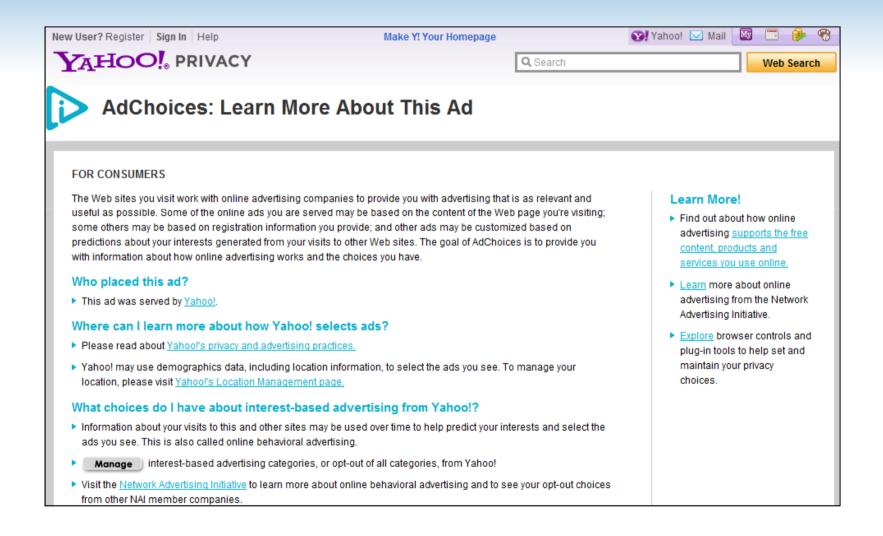
#### PUBLISHER NOTICE: E.G. YAHOO



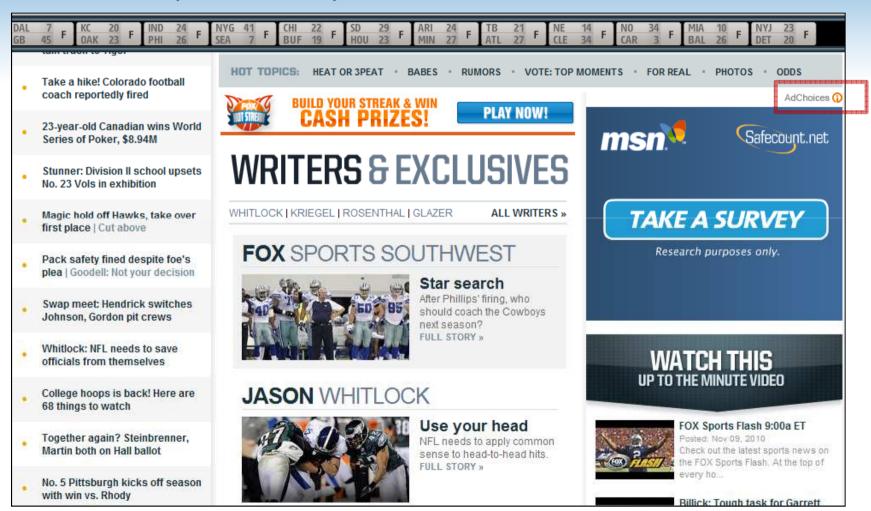
Privacy Policy \* About Our Ads \* Safety \* Terms of Service \* Copyright/IP Policy



#### ENHANCED NOTICE: E.G. YAHOO



### AD ICON (EXAMPLE)



### INTERMEDIARY PAGE (E.G. MICROSOFT)





#### Ad Choices: LEARN ABOUT THIS AD

In order to provide a more relevant online experience, a portion of the ads a user observes online are customized based on past online activity. Information about past online site visits may be used to help predict the interests of people using this computer and select the ads users see.

#### Who served this ad?

This ad was served by Microsoft Advertising.

#### Where can I learn more about what information Microsoft Advertising collects and how it is used?

Learn about Microsoft Advertising's privacy practices.

Read about our Privacy Principles for Bing Search and Online Ad Targeting.

#### What choices do I have about interest-based advertising from Microsoft?

of receiving personalized advertising from Microsoft Advertising.

Visit the Network Advertising Initiative site to opt out of other ad networks.

Visit our User Preferences site to manage your advertising interests.

#### How can I learn more about online advertising?

Learn more about online advertising and how it affects your privacy from the NAI. <u>Understand more</u> about online advertising from the Interactive Advertising Bureau (IAB). Read about how Internet Explorer 8 can help maintain your privacy choices.

#### Hear Microsoft's views on online privacy, safety and personalized advertising







#### USER CHOICE SITE

#### www.youronlinechoices.eu

- Pan-EU website to provide consumers with helpful information on OBA.
- Centralized control tool to turn-off OBA individually or for all.
- Step by step approach:
- April: 6 countries live: UK, DE, FR, SP, IT, BE (NL)
- May: 10 countries live: + SE, NO,DN, POL
- October: 15 countries live: + NL, IRE, BE (FR), CH, HU
- December: 20 countries live: +FI, BU,CZ, RO, SK

### CENTRALIZED CONTROL TOOL

## your online choices a guide to online behavioural advertising



Home	Your Ad Choices						
About	201 (A. ACHTECON 2017) ASSET	199 0	C 01 820 35 35	- 22	5 09	425 - 770 - 722	
our Ad Choices	<ul> <li>The companies listed below are some of the information to provide online behavioural and the companies.</li> </ul>		to work with website of	perat	ors to	collect and	use
AQs	Please use the buttons below to control yo	uir onlina baha	vioural advantision on	sferer	vnes 1	Von cas tun	off o
ive top tips	turn on all companies or alternatively set y	your preference	es for individual ones	Ву	dickin	g on the T b	utton
low to make a complaint	you can find out more about the company browser you are using. If you are having a						
AB Good Practice Principles	page						
lownload guide	The state of the s	ite M	200000000000000000000000000000000000000	2000		On	Tet.
elpful information	Turn off all companies Off Turn on a		Turn on all compar	I companies C			'n
argon buster							
@qcoulou	Company  Tribal Fusion			/Off On	© 01	ff	Info
Aol Advertising.	24/7 Real Media		0	On	© 01	ff	-
<b>Audience</b> Science	Adconion Media Group		180		-		U
	7.		10	Un	© 01	143	0
	AOL				© 01		200
blinkx			۰	On		ff	0
	AOL		9	On On	© 01	ff ff	0
<b>blinkx</b> crimtano	AOL AudienceScience		0	On On On	© 01	ff ff ff	0 0
	AOL AudienceScience blinkx		0	On On On On	© 01 © 01 © 01	ff ff ff	0 0





### COMPLIANCE & MONITORING — SELF-CERTIFICATION & INDEPENDENT AUDIT

- Self-certification of companies against the key criteria in the Framework.
- Independent audit of the self-certification at EU level by credible organisation(s).
- IAB Europe will hold a competitive tender for this process to select the organisation(s).
- This will include processes for:
  - Automated or individualised periodic monitoring.
  - Resolving identified areas of non-compliance & publication of un-rectified non-compliance Copyright

#### COMPLIANCE - B2B SEAL

- Compliant businesses will receive a periodically renewable 'seal' – one that offers trust to market players and can therefore be removed in the event of a breach of obligations.
- The removal of such a seal has proven market implications and is considered an effective sanction (e.g. IASH in UK).







# ENFORCEMENT- COOPERATION WITH EASA NETWORK

- Complaints may be filed by consumers with a variety of bodies
- Cooperation with EASA members (national advertising self-regulation bodies) on:
  - Consumer complaints mechanism
  - Sanction mechanisms (name & shame, denial of media space, referal to authorities if repeated non-compliance..)
- EASA Best Practice Recommendation (BPR): will cover the non-signatories.



# Thank you for your attention!

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