

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).

FRAMEWORK SUPPORTED BY ALL KEY STAKEHOLDERS AT EU & MS LEVEL



EPC | European Publishers Council



the voice of Europe's periodical press





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)
 - i) in or around the advert (ad icon)
 - ii) 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**
 - i) youronlinechoices.eu – users can switch off OBA (cookies-based - persistent plug in to come)

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.



IN PRACTICE

HOW WILL IT WORK IN PRACTICE?

Link to website operator
privacy section

Icon in-or around
the ad

Notice + link to
youronlinechoices
es.eu website

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

European industry website:
Information + consumer control page

PUBLISHER NOTICE: E.G. YAHOO

The image shows a screenshot of the Yahoo! homepage as of February 17, 2010. The page features the Yahoo! logo, navigation links (Web, Images, Video, Local, Shopping, More), a search bar, and a personalized greeting for 'Anne'. A central news section displays a headline about a family suing over a Coast Guard crash. A 'TRENDING NOW' list includes items like 'Olympics Schedule' and 'Chynna Phillips'. A purple banner is overlaid across the middle of the page, containing a list of legal notices: Privacy Policy, About Our Ads, Safety, Terms of Service, and Copyright/IP Policy. An arrow points from the bottom of this banner to a similar banner at the bottom of the page. The bottom of the page includes a footer with copyright information and a repeat of the legal notice list.

Web Images Video Local Shopping More

YAHOO!

Web Search

Hi, Anne

MY FAVORITES

View Yahoo! Sites

Yahoo! Mail

PEOPLE.com

The New York Times

NPR

omg!

TODAY - February 17, 2010

Family sues over Coast Guard crash that killed 8-year-old boy

TRENDING NOW

1. Olympics Schedule
2. Ash Wednesday
3. Michael Jordan
4. Chynna Phillips
5. Roger Ebert
6. Celine Dion
7. FCC
8. American Idol
9. Olympic Ice Hock...
10. Dalai Lama


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

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ENHANCED NOTICE: E.G. YAHOO

New User? Register | Sign In | Help Make Y! Your Homepage Yahoo! Mail My

YAHOO! PRIVACY Web Search

 **AdChoices: Learn More About This Ad**

FOR CONSUMERS

The Web sites you visit work with online advertising companies to provide you with advertising that is as relevant and useful as possible. Some of the online ads you are served may be based on the content of the Web page you're visiting; some others may be based on registration information you provide; and other ads may be customized based on predictions about your interests generated from your visits to other Web sites. The goal of AdChoices is to provide you with information about how online advertising works and the choices you have.

Who placed this ad?

- ▶ This ad was served by [Yahoo!](#).

Where can I learn more about how Yahoo! selects ads?

- ▶ Please read about [Yahoo's privacy and advertising practices](#).
- ▶ Yahoo! may use demographics data, including location information, to select the ads you see. To manage your location, please visit [Yahoo's Location Management page](#).

What choices do I have about interest-based advertising from Yahoo!?

- ▶ Information about your visits to this and other sites may be used over time to help predict your interests and select the ads you see. This is also called online behavioral advertising.
- ▶ interest-based advertising categories, or opt-out of all categories, from Yahoo!
- ▶ Visit the [Network Advertising Initiative](#) to learn more about online behavioral advertising and to see your opt-out choices from other NAI member companies.

Learn More!

- ▶ Find out about how online advertising [supports the free content, products and services you use online](#).
- ▶ [Learn](#) more about online advertising from the Network Advertising Initiative.
- ▶ [Explore](#) browser controls and plug-in tools to help set and maintain your privacy choices.


AD ICON (EXAMPLE)

DAL 7	KC 20	IND 24	NYG 41	CHI 22	SD 29	ARI 24	TB 21	NE 14	NO 34	MIA 10	NYJ 23
GB 45 F	OAK 23 F	PHI 26 F	SEA 7 F	BUF 19 F	HOU 23 F	MIN 27 F	ATL 27 F	CLE 34 F	CAR 3 F	BAL 26 F	DET 20 F

take them to the top

- Take a hike! Colorado football coach reportedly fired
- 23-year-old Canadian wins World Series of Poker, \$8.94M
- Stunner: Division II school upsets No. 23 Vols in exhibition
- Magic hold off Hawks, take over first place | Cut above
- Pack safety fined despite foe's plea | Goodell: Not your decision
- Swap meet: Hendrick switches Johnson, Gordon pit crews
- Whitlock: NFL needs to save officials from themselves
- College hoops is back! Here are 68 things to watch
- Together again? Steinbrenner, Martin both on Hall ballot
- No. 5 Pittsburgh kicks off season with win vs. Rhody


HOT TOPICS: HEAT OR 3PEAT • BABES • RUMORS • VOTE: TOP MOMENTS • FOR REAL • PHOTOS • ODDS

 **BUILD YOUR STREAK & WIN CASH PRIZES!** [PLAY NOW!](#)


WRITERS & EXCLUSIVES


WHITLOCK | KRIEDEL | ROSENTHAL | GLAZER [ALL WRITERS »](#)

FOX SPORTS SOUTHWEST

 **Star search**
After Phillips' firing, who should coach the Cowboys next season?
[FULL STORY »](#)


JASON WHITLOCK

 **Use your head**
NFL needs to apply common sense to head-to-head hits.
[FULL STORY »](#)


msn. 

TAKE A SURVEY
Research purposes only.

WATCH THIS UP TO THE MINUTE VIDEO

 **FOX Sports Flash 9:00a ET**
Posted: Nov 09, 2010
Check out the latest sports news on the FOX Sports Flash. At the top of every ho...

Billick: Tough task for Garrett

AdChoices 

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?

Opt-out

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.

[Understand more](#) 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
- About
- Your Ad Choices**
- FAQs
- Five top tips
- How to make a complaint
- IAB Good Practice Principles
- Download guide
- Helpful information
- Jargon buster

Your Ad Choices










The companies listed below are some of the providers who work with website operators to collect and use information to provide online behavioural advertising.








Please use the buttons below to control your online behavioural advertising preferences. You can turn off or turn on all companies or alternatively set your preferences for individual ones. By clicking on the 'i' button you can find out more about the company itself as well as its behavioural advertising status on the web browser you are using. If you are having any problems turning on or off your choices please visit our help page.

Turn off all companies Off On

Turn on all companies Off On

Turn on or off individual companies

Company	On/Off	Info
Tribal Fusion	<input checked="" type="radio"/> On <input type="radio"/> Off	
24/7 Real Media	<input checked="" type="radio"/> On <input type="radio"/> Off	
Adconion Media Group	<input checked="" type="radio"/> On <input type="radio"/> Off	
ADL	<input checked="" type="radio"/> On <input type="radio"/> Off	
AudienceScience	<input checked="" type="radio"/> On <input type="radio"/> Off	
blinkx	<input checked="" type="radio"/> On <input type="radio"/> Off	
Crimtan	<input checked="" type="radio"/> On <input type="radio"/> Off	
Google	<input checked="" type="radio"/> On <input type="radio"/> Off	
Microsoft Advertising	<input checked="" type="radio"/> On <input type="radio"/> Off	





COMPLIANCE & ENFORCEMENT

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

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).



UK example of B2B seal



IASH seal

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, referral 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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