GDPR & ePrivacy Directive

presented by:

Matthias Matthiesen, IAB Europe (matthiesen@iabeurope.eu)

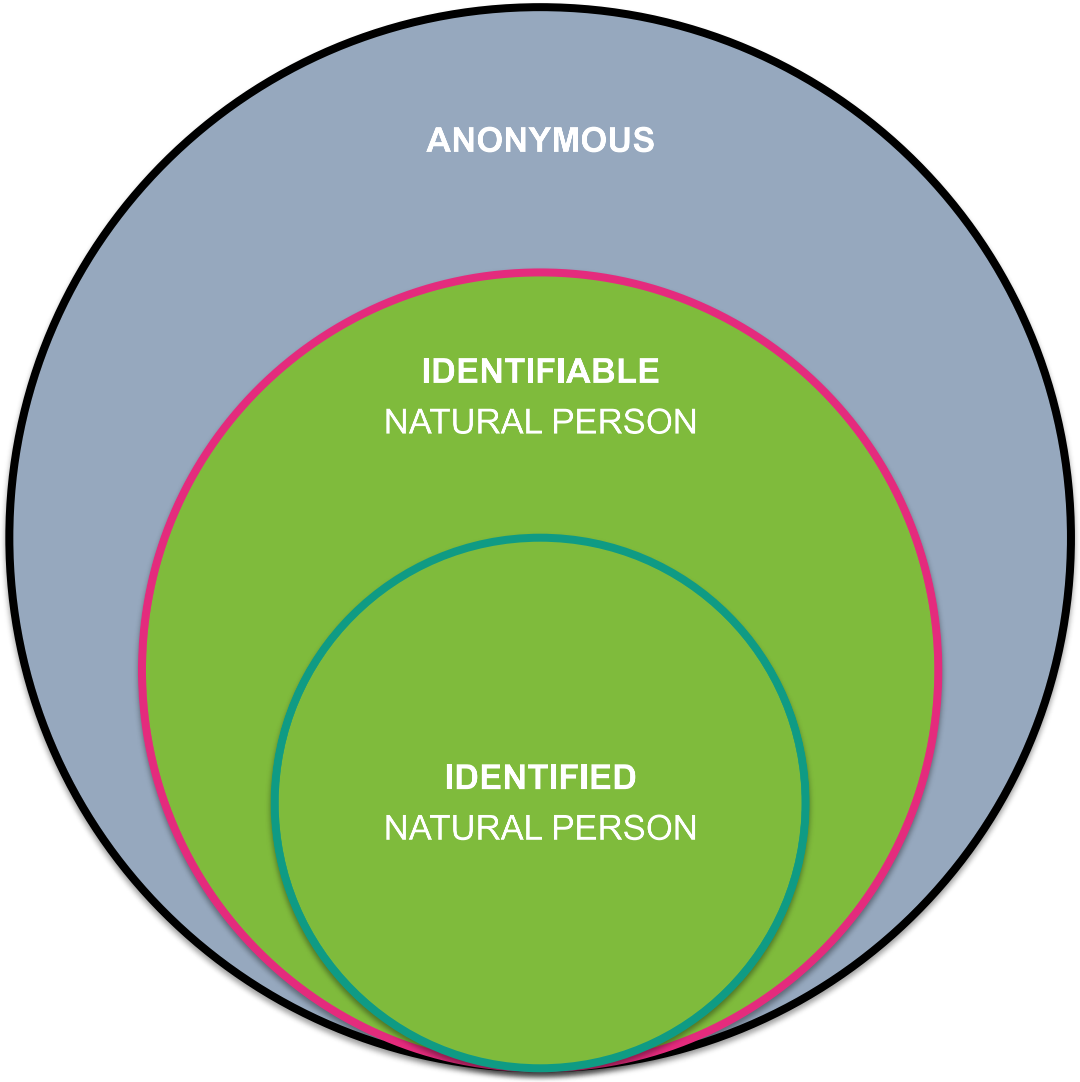
iab.europe

interactive
advertising
bureau

Territorial Applicability

- **You are a controller or processor in the EU:** The GDPR applies to you.
- **You are a controller outside of the EU:** GDPR applies if you if
  - you monitor the behavior of people in Europe, or
  - you offer goods and services to people in Europe.

Personal Data



ANONYMOUS

IDENTIFIABLE
NATURAL PERSON

IDENTIFIED
NATURAL PERSON

○ NON-PERSONAL DATA

● PERSONAL DATA

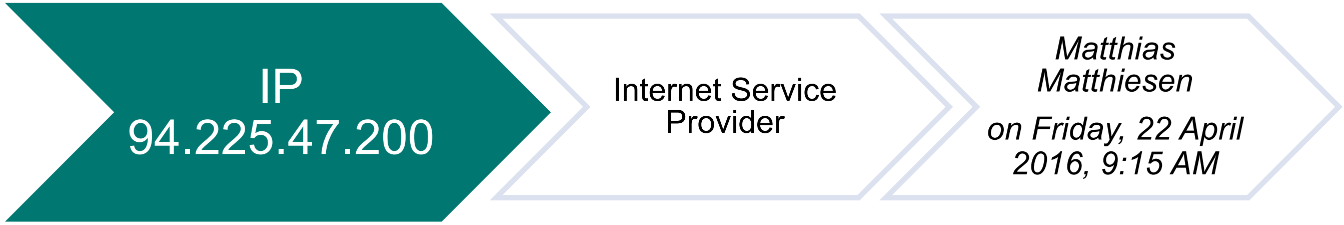
○ PSEUDONYMOUS DATA

○ PERSONALLY IDENTIFIABLE INFORMATION (“PII”)

Personal Data

If an individual can be singled out by data, that data is personal data (unique cookie ID or AAID/IDFA)

Personal Data

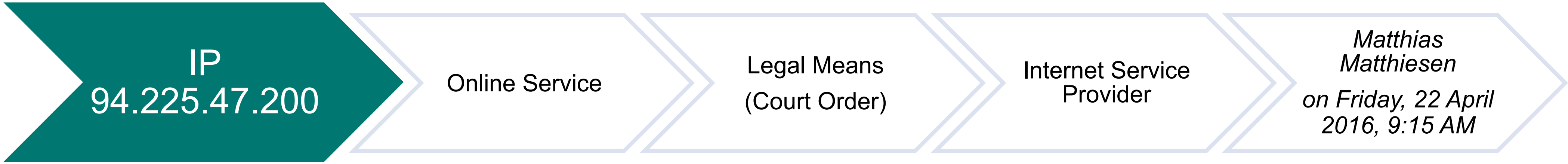


IP 94.225.47.200

Internet Service Provider

Matthias Matthiesen

on Friday, 22 April 2016, 9:15 AM



IP 94.225.47.200

Online Service

Legal Means (Court Order)

Internet Service Provider

Matthias Matthiesen

on Friday, 22 April 2016, 9:15 AM

If data can be re-identified by the controller, or another entity, that data is personal data.

Personal Data

- Information related to an **identified** or **identifiable** natural person.
- Identifiers, such as a name, number, location, **online ID**, or one or more factors specific to a natural person.
- IP address, cookie ID, RFID tag, especially when combined with profiles.

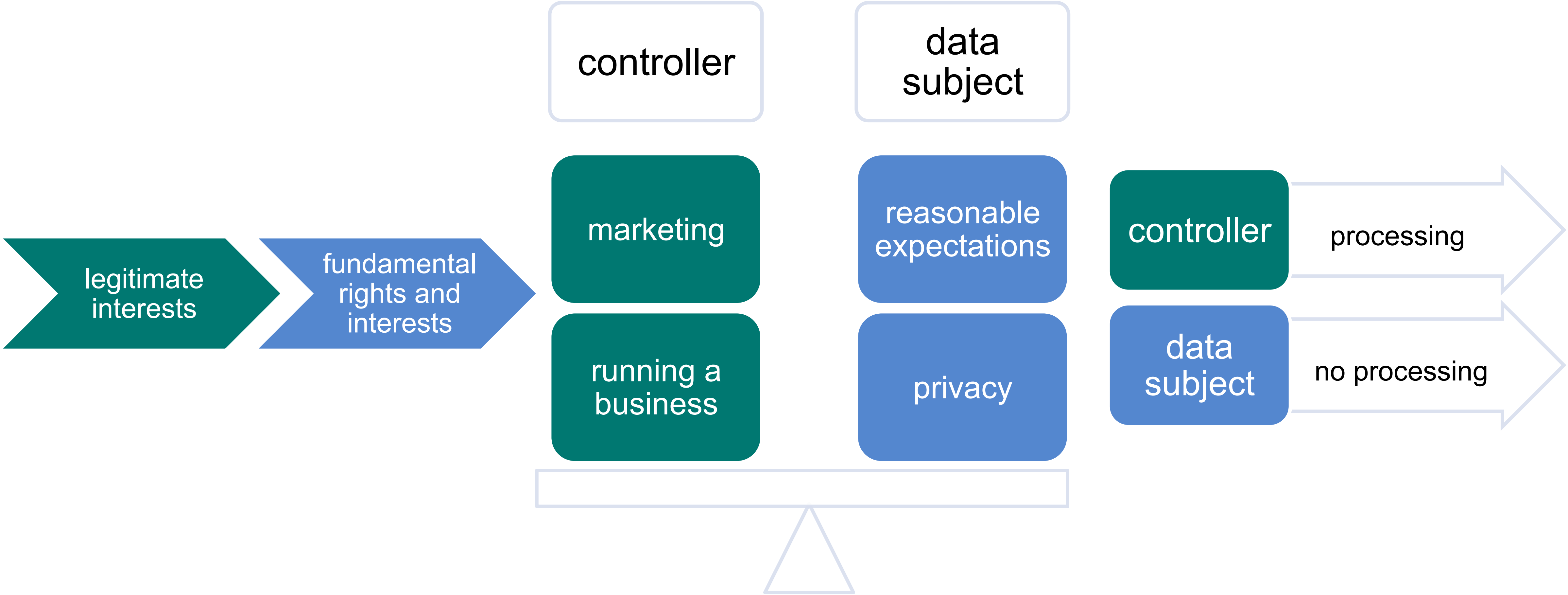
Lawful Processing of Personal Data

- Data subject has given his or her **consent** to the processing of personal data relating to them. (opt-in)

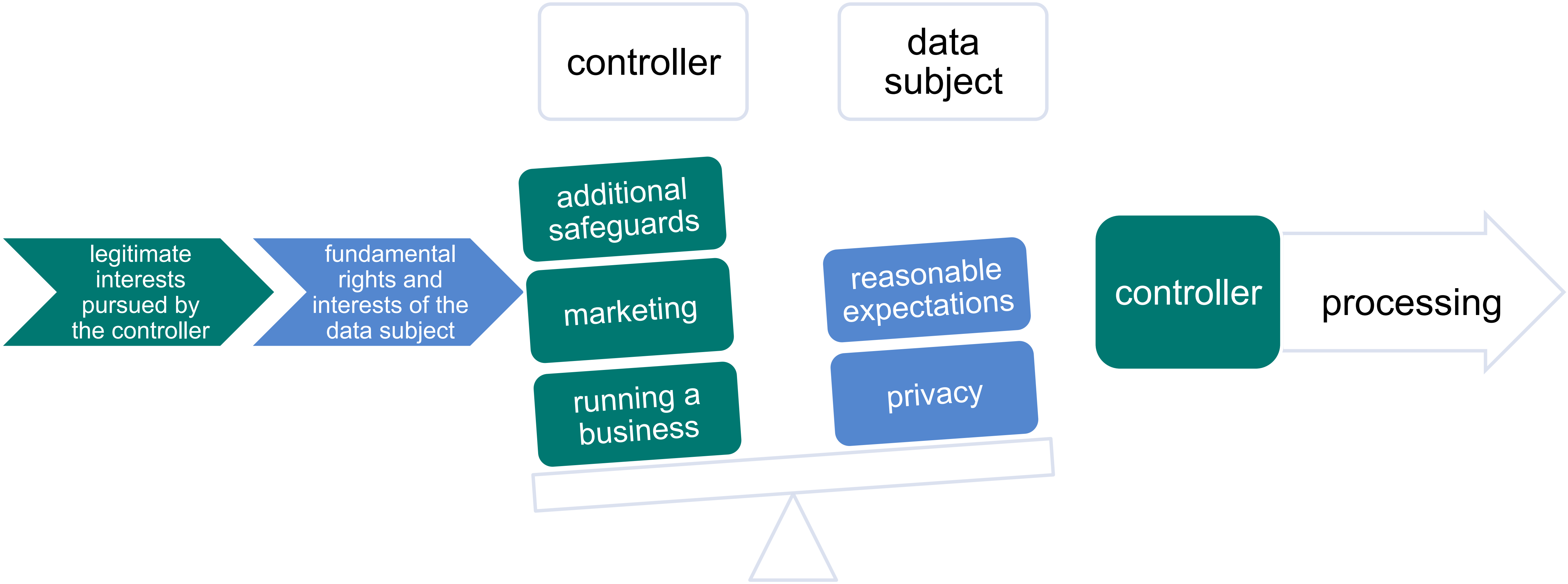
- Data controller has a **legitimate interest** to process the data subject's personal data *and* there are **no overriding rights or interests of** the data subject *and* the data subject has the **right to object**. (opt-out)

- One of four other alternatives.

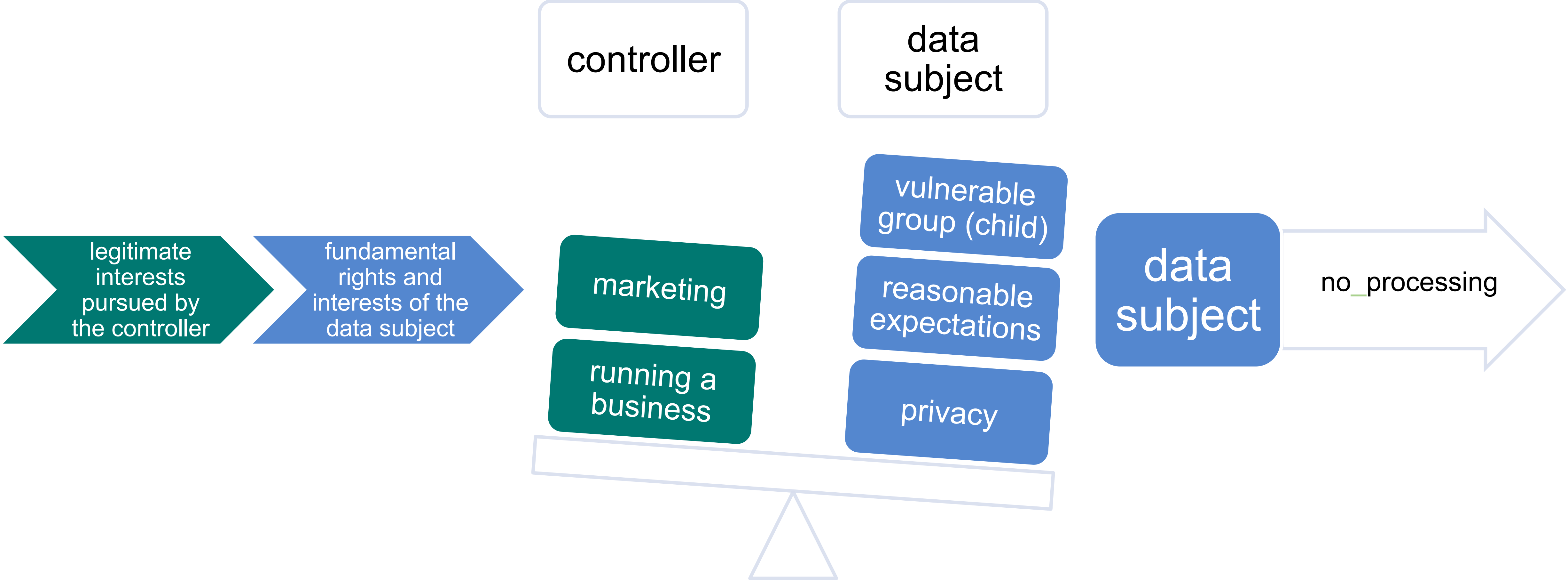
Legitimate Interests of the Controller



Legitimate Interests of the Controller



Legitimate Interests of the Controller



Consent

- Consent is a statement or **clear affirmative action** signifying agreement to the processing of personal data. It must be
  - freely given, specific, informed
- Controllers **must be able to demonstrate** that the data subject has consented to the processing of their personal data.
- Consent must be **revocable at any time**. Revoking consent must be as easy as granting consent.

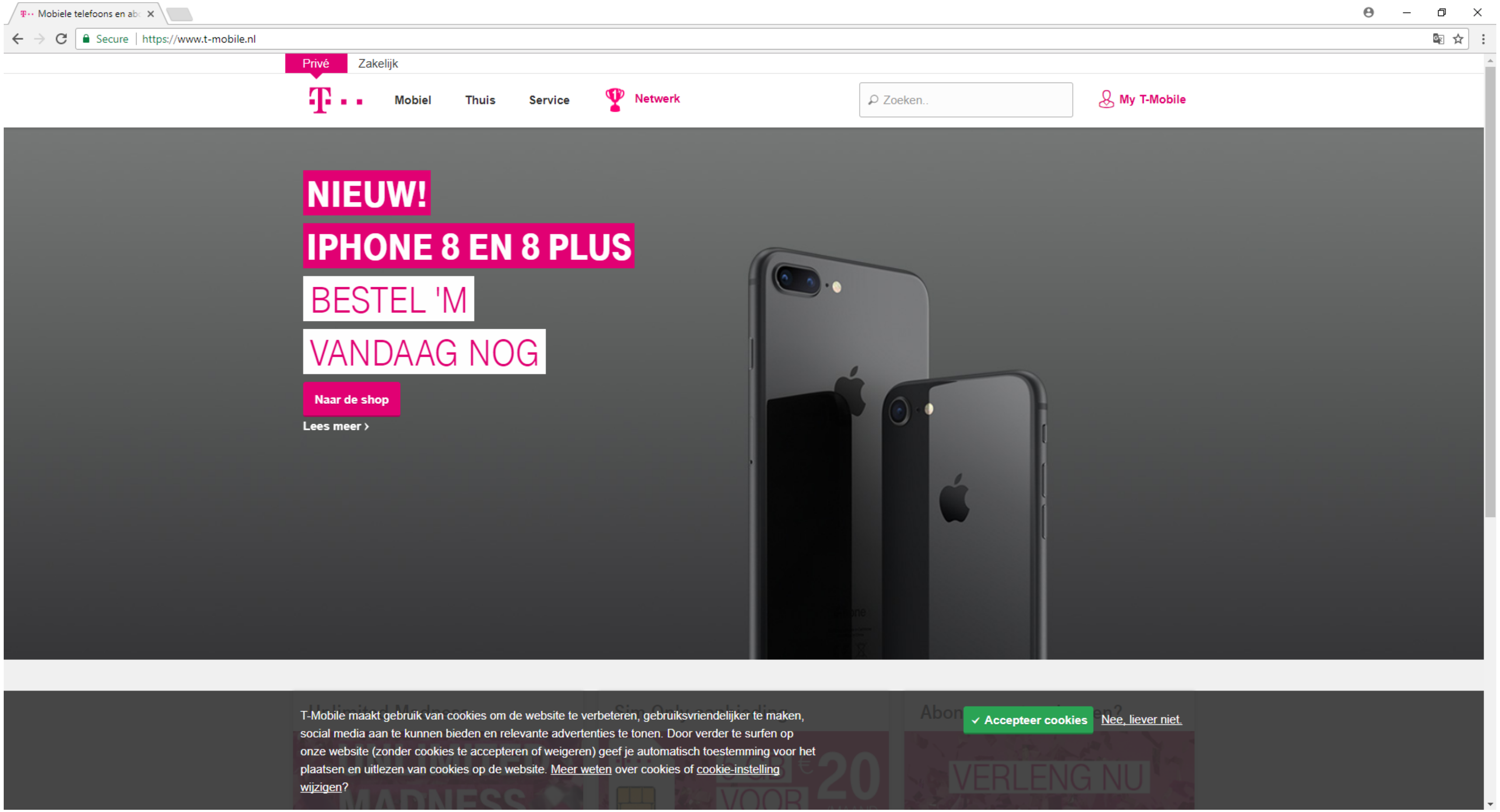
Consent

- Consent ≠ **silence/inactivity**
- Consent ≠ freely given if inappropriately **bundled**.
- Consent ≠ freely given if inappropriately a **condition**
- Consent ≠ freely given in situations of **“power imbalance”**

- Which **affirmative actions** can convey consent?
  - Choosing technical settings (which)?
  - Further browsing?
  - Clicking a link?
  - Highlighting text?

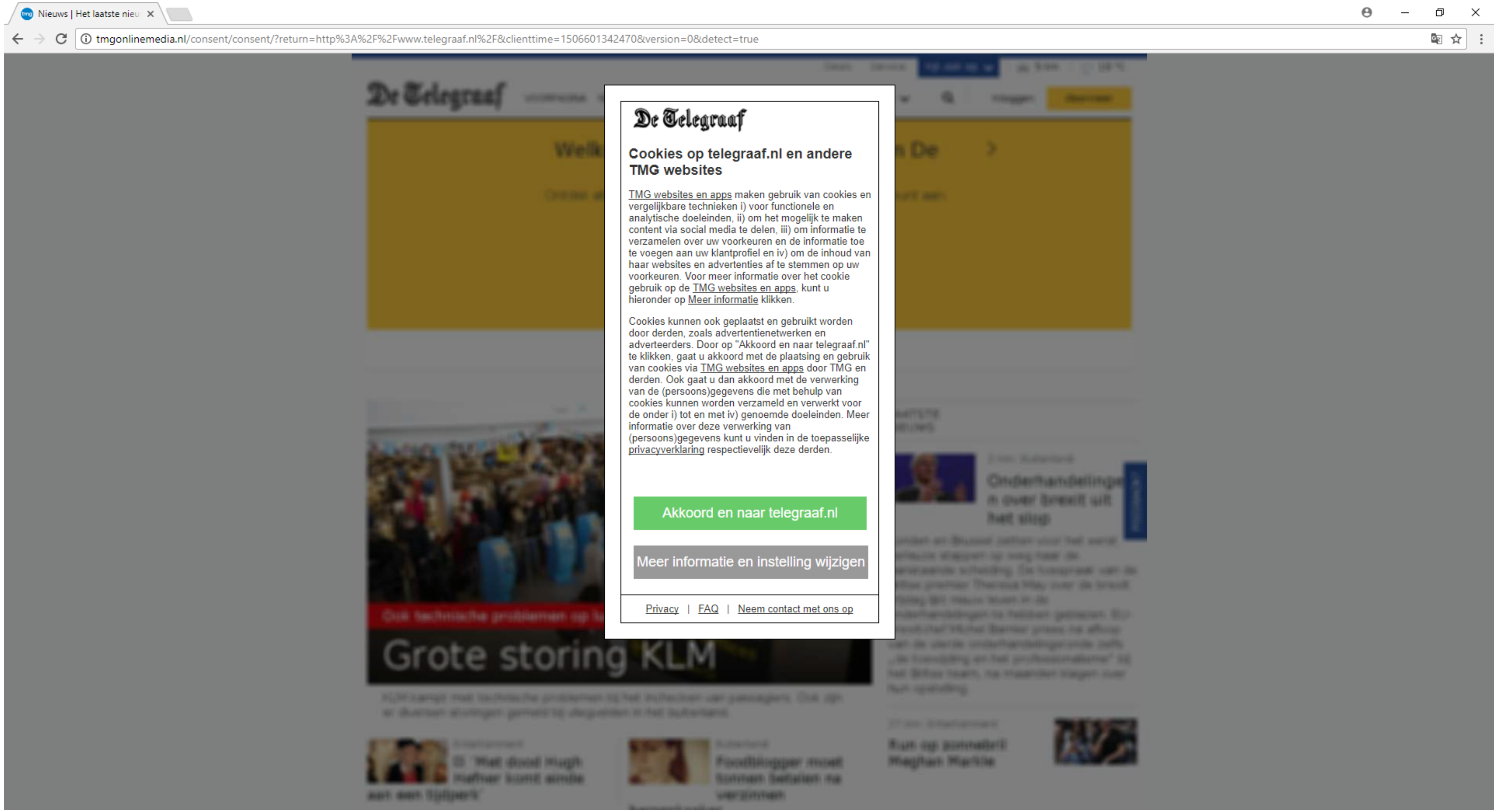
- Informed = purpose & controller disclosed

Consent



T-Mobile maakt gebruik van cookies om de website te verbeteren, gebruiksvriendelijker te maken, social media aan te kunnen bieden en relevante advertenties te tonen. Door verder te surfen op onze website (zonder cookies te accepteren of weigeren) geef je automatisch toestemming voor het plaatsen en uitlezen van cookies op de website. Meer weten over cookies of cookie-instelling wijzigen?

Consent



Nieuws | Het laatste nieu
tmgonlinemedia.nl/consent/consent/?return=http%3A%2F%2Fwww.telegraaf.nl%2F&clienttime=1506601342470&version=0&detect=true
De Telegraaf
Grote storing KLM

Cookies op telegraaf.nl en andere TMG websites

TMG websites en apps maken gebruik van cookies en vergelijkbare technieken i) voor functionele en analytische doeleinden, ii) om het mogelijk te maken content via social media te delen, iii) om informatie te verzamelen over uw voorkeuren en de informatie toe te voegen aan uw klantprofiel en iv) om de inhoud van haar websites en advertenties af te stemmen op uw voorkeuren. Voor meer informatie over het cookie gebruik op de TMG websites en apps, kunt u hieronder op Meer informatie klikken.

Cookies kunnen ook geplaatst en gebruikt worden door derden, zoals advertentienetwerken en adverteerders. Door op "Akkoord en naar telegraaf.nl" te klikken, gaat u akkoord met de plaatsing en gebruik van cookies via TMG websites en apps door TMG en derden. Ook gaat u dan akkoord met de verwerking van de (persoons)gegevens die met behulp van cookies kunnen worden verzameld en verwerkt voor de onder i) tot en met iv) genoemde doeleinden. Meer informatie over deze verwerking van (persoons)gegevens kunt u vinden in de toepasselijke privacyverklaring respectievelijk deze derden.

Akkoord en naar telegraaf.nl
Meer informatie en instelling wijzigen
Privacy | FAQ | Neem contact met ons op

ePrivacy Directive

NB: The ePrivacy Directive is a law from 2009, not to be confused with its proposed update, the ePrivacy Regulation.

- Storing information, such as cookies, or accessing information stored on a user device generally requires consent.
- Unless “strictly” technically necessary for provision of the service requested by a user, e.g. shopping cart cookies.

ePrivacy rules before GDPR

ePrivacy
Consent
Requirement

GET CONSENT AS DEFINED BY

Data Protection Act

Bundesdatenschutzgesetz

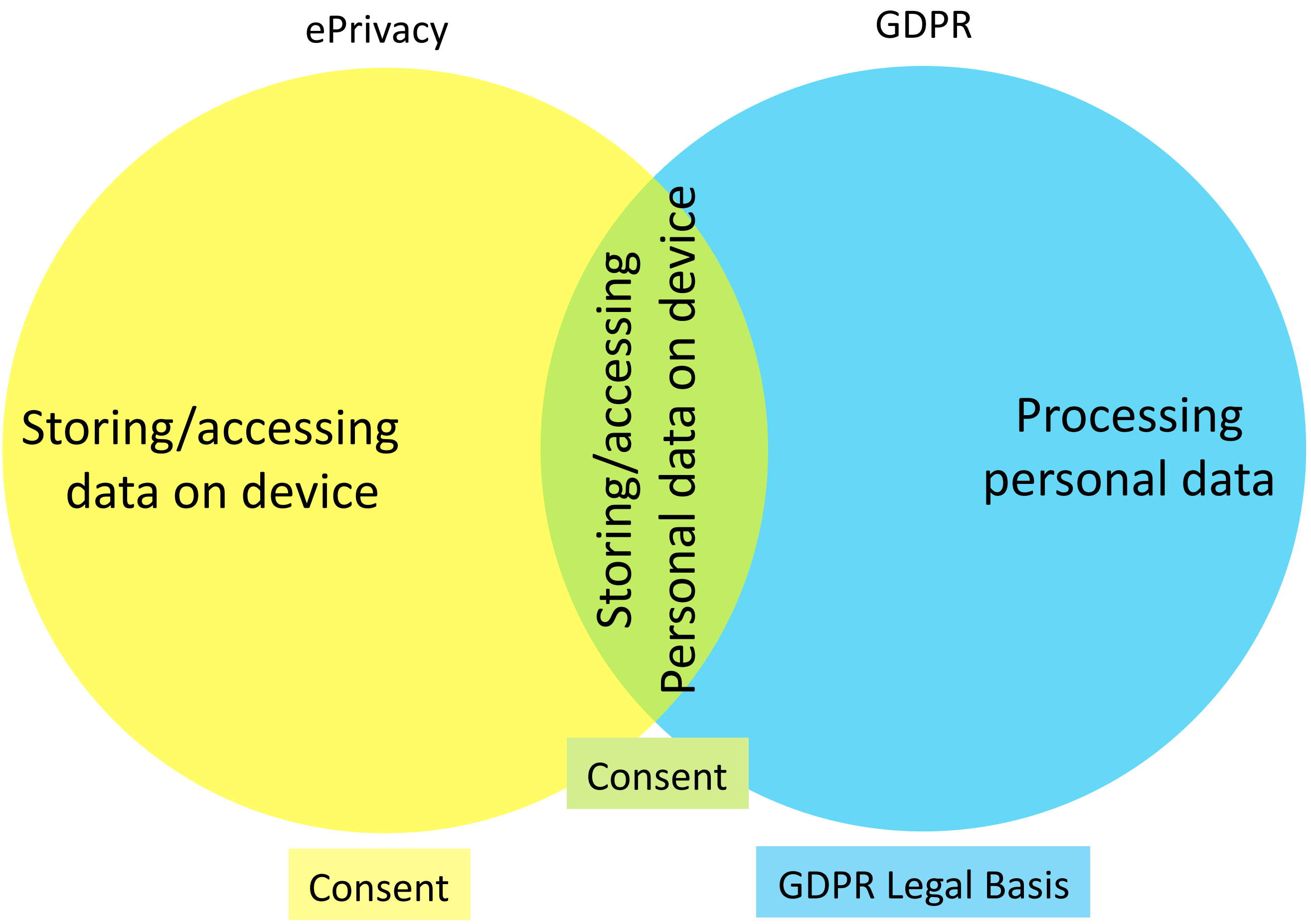
Wet bescherming persoonsgegevens

ePrivacy rules after GDPR

ePrivacy
Consent
Requirement

GET CONSENT AS DEFINED BY

Hierarchy ePrivacy and GDPR

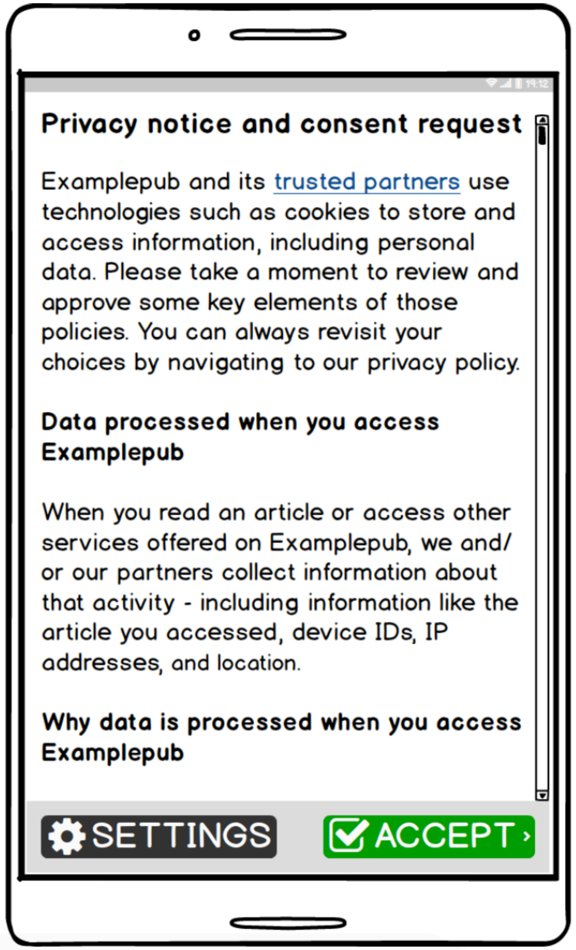

ePrivacy
GDPR
Storing/accessing data on device
Storing/accessing Personal data on device
Processing personal data
Consent
Consent
GDPR Legal Basis

- Collection of data over the internet generally requires **Consent** because of ePrivacy
- Processing of personal data requires a **GDPR Legal Basis** e.g. consent, or legitimate interest.
- Where both apply at the same time the more specific **Consent** rule of the ePrivacy prevails.

Consent

- Under GDPR, consent is only one of six “legal grounds” for processing personal data, and therefore ***not*** **always needed**
- For the purposes of access and storage of information on devices ePrivacy Directive consent requirements currently apply

Transparency



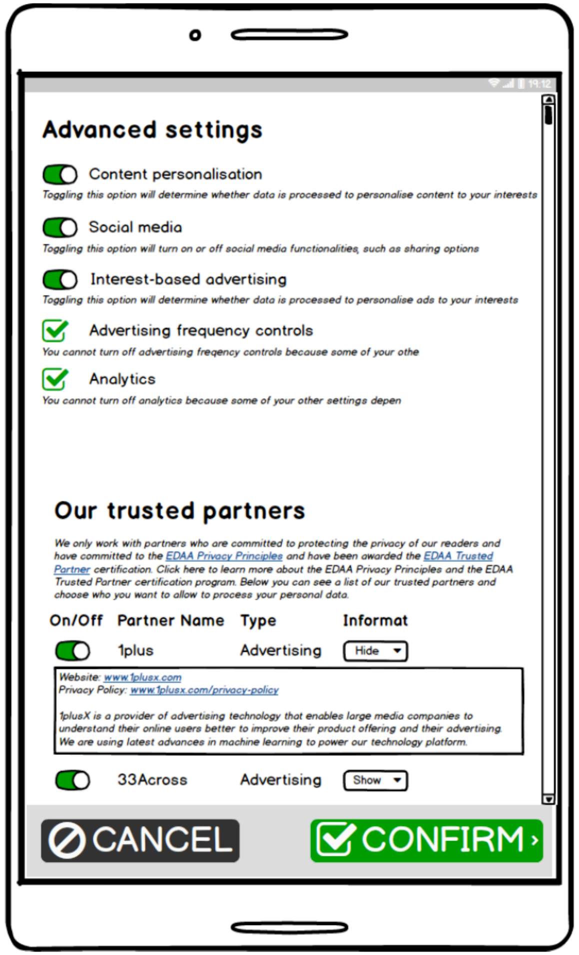
Privacy notice and consent request

Examplepub and its trusted partners use technologies such as cookies to store and access information, including personal data. Please take a moment to review and approve some key elements of those policies. You can always revisit your choices by navigating to our privacy policy.

Data processed when you access Examplepub

When you read an article or access other services offered on Examplepub, we and/or our partners collect information about that activity - including information like the article you accessed, device IDs, IP addresses, and location.

Why data is processed when you access Examplepub



Advanced settings

Content personalisation
Toggling this option will determine whether data is processed to personalise content to your interests

Social media
Toggling this option will turn on or off social media functionalities, such as sharing options

Interest-based advertising
Toggling this option will determine whether data is processed to personalise ads to your interests

☑ Advertising frequency controls
You cannot turn off advertising freqency controls because some of your othe

☑ Analytics
You cannot turn off analytics because some of your other settings depen

Our trusted partners

We only work with partners who are committed to protecting the privacy of our readers and have committed to the EDAA Privacy Principles and have been awarded the EDAA Trusted Partner certification. Click here to learn more about the EDAA Privacy Principles and the EDAA Trusted Partner certification program. Below you can see a list of our trusted partners and choose who you want to allow to process your personal data.

On/Off	Partner Name	Type	Informat
●	1plus	Advertising	Hide ▾

Website: www.1plusx.com
Privacy Policy: www.1plusx.com/privacy-policy

1plusX is a provider of advertising technology that enables large media companies to understand their online users better to improve their product offering and their advertising. We are using latest advances in machine learning to power our technology platform.

On/Off	Partner Name	Type	Informat
●	33Across	Advertising	Show ▾

1. Prominent & separate disclosure
2. Plain language % easy to get
3. Purpose(s) of the data processing
4. Controller(s) of the data processed
5. Description of type of data processed
6. Inform about consequences of processing
7. Inform about right to withdraw consent
8. Describe consequences of not consenting

Accountability

- Controllers need to be able to demonstrate that consent has been given, some sort of record must be kept.
- Controllers need to know of a user's consent choices *before* processing commences, rather than *assume* consent is given.
- In a multi-controller environment such as programmatic advertising this requires communication around user consent.

Data Subject Rights

Data subject rights

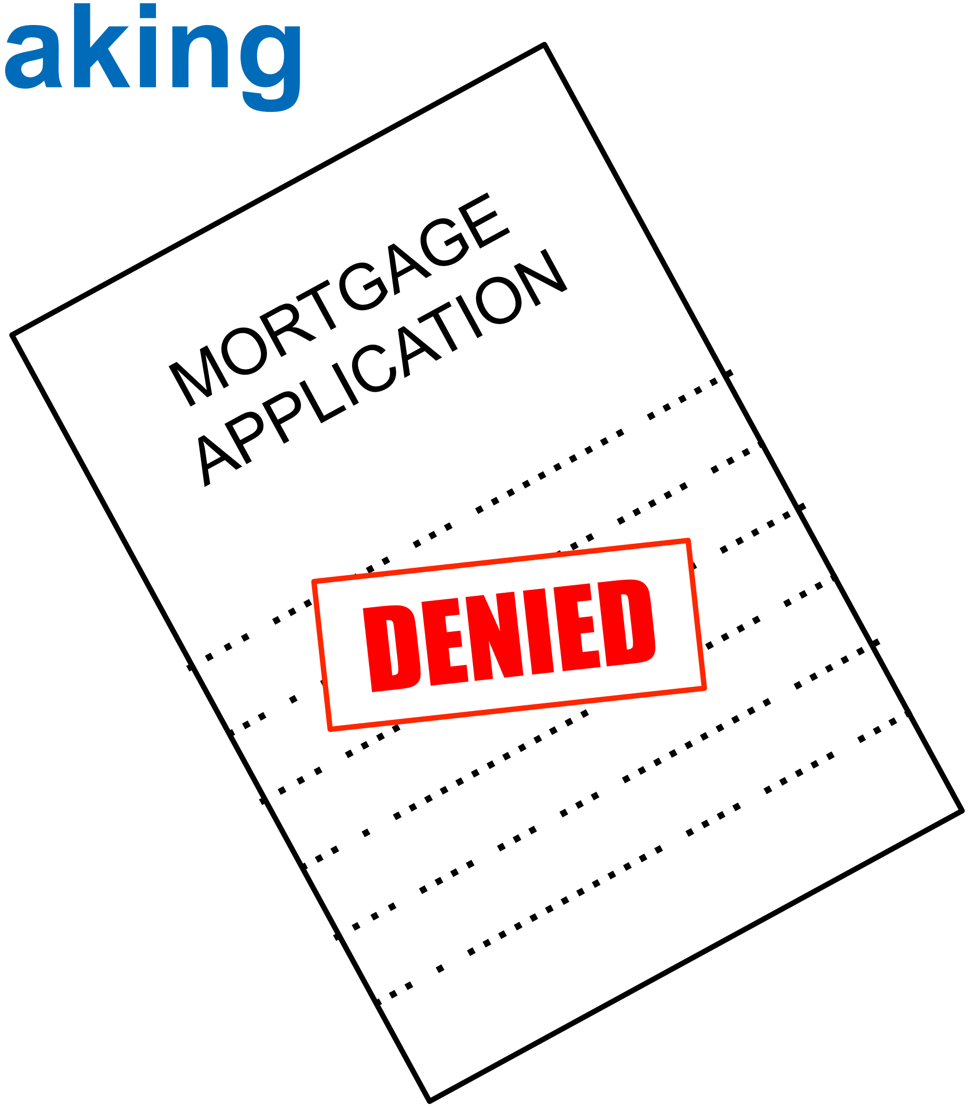
- The right to access
- The right to rectification
- The right to erasure
- The right to restrict processing
- The right to data portability
- The right to object
- Rights related to automated decisions, including profiling, with legal or significant effects

Profiling & Automated Decision Making

- Profiling is automated processing, **analyzing**, or **predicting** a person's **preferences, interests, behavior,** etc.
  - It must be justified through one of the legal justifications, e.g. **consent** or the **legitimate interests** of the controller.

- Where an automated decision, including profiling, has **legal effects** or **similarly significantly affects** a user, it is regulated more strictly.
  - It can only be justified through the **explicit consent** of the user.

Profiling & Automated Decision Making



Automated review of credit applications

Automated recruitment practices, e.g. candidate selection through algorithm

Profiling & Automated Decision Making

- Does automatically selecting advertisement unit an individual sees amount to a legal or similarly significant effect?

DIGITAL ADVERTISING
TRANSPARENCY, CONTROL, CONSENT

Webinar, February 2018

presented by:

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Matthias Matthiesen, IAB Europe (matthiesen@iabeurope.eu)

iab.europe interactive advertising bureau

Technical standard in development and subject to change.

Updated 8 Jan, 2018

Current Challenges

Data leakage

Lack of Control and Transparency over partners and demand sources on page (and their partners)

No single privacy policy

ePrivacy

GDPR requirements

Continued monetization

Closed Ecosystem

Benefits

- Control data leakage?
- Single privacy policy?
- Easier consent?
- Easier GDPR compliance?

Challenges

- Control of data and reporting
- Control of third party partners
- Control of demand

Standard Framework

Transparency for Consumers and Publishers into partners that help monetize sites and apps

Control for Publishers over partners operating on sites and apps and processing their users' data

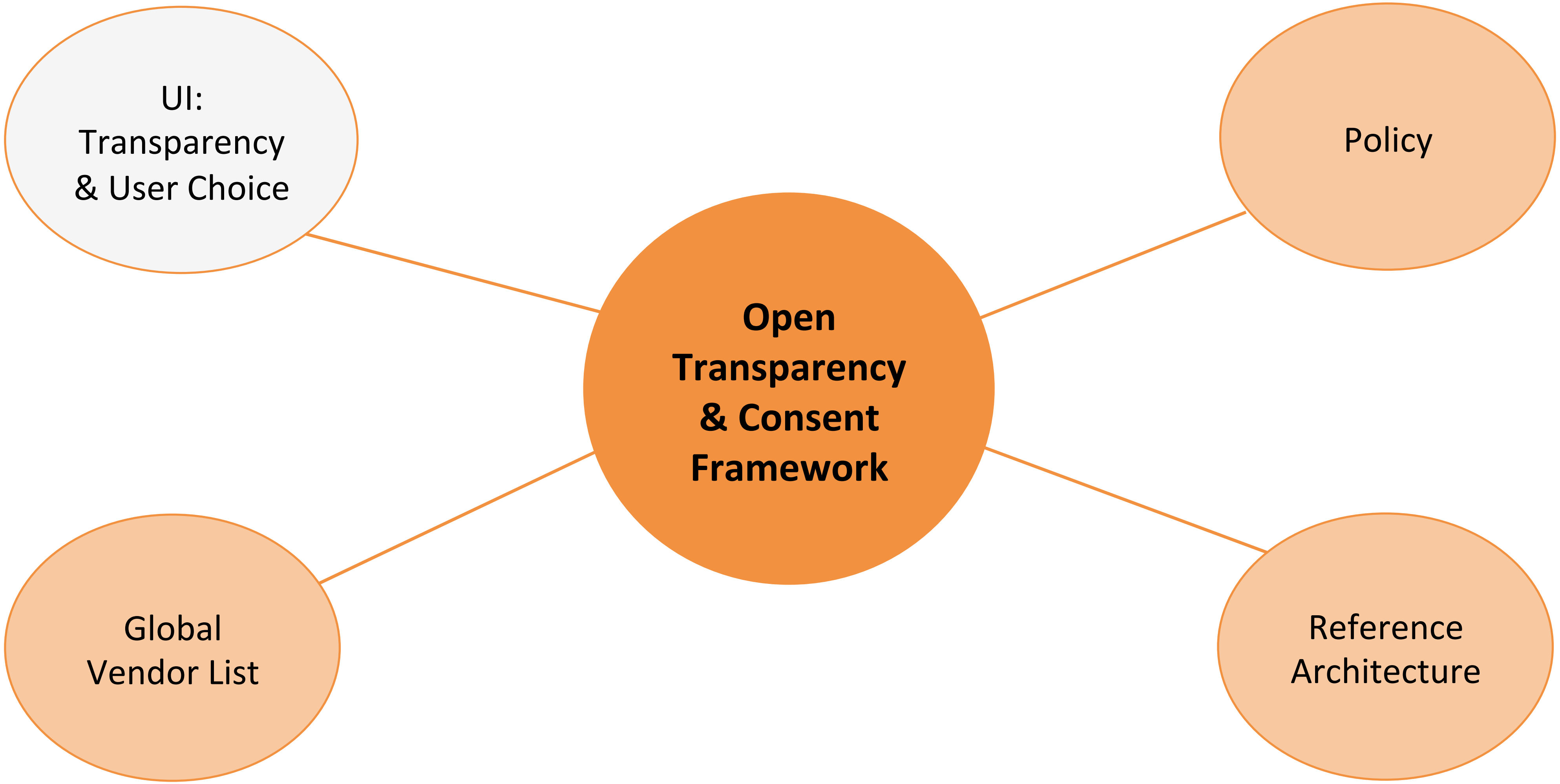
Control for Consumers over how their personal data is used and by which partners

Consent as a potential legal basis

Standardization allowing publishers and partners to operate and communicate efficiently using a single, open source standard

Flexibility for publishers and demand sources to build or work with various consent management providers

Minimize Disruption of the Internet, benefiting consumers, publishers & supporting companies


UI:
Transparency
& User Choice
Policy
Open
Transparency
& Consent
Framework
Global
Vendor List
Reference
Architecture

Common FAQ’s

Q: Do Publishers have to facilitate transparency/consent for all vendors on vendor list?

A: No - Publishers control which vendors they want to work with. Publishers pick vendors to support and users can further choose among vendors and purposes.

Q: Does the framework only support global (web-wide)?

A: No - Framework supports service (site-specific), group (multiple controlled sites) and global (web-wide) transparency/consent

Common FAQ's

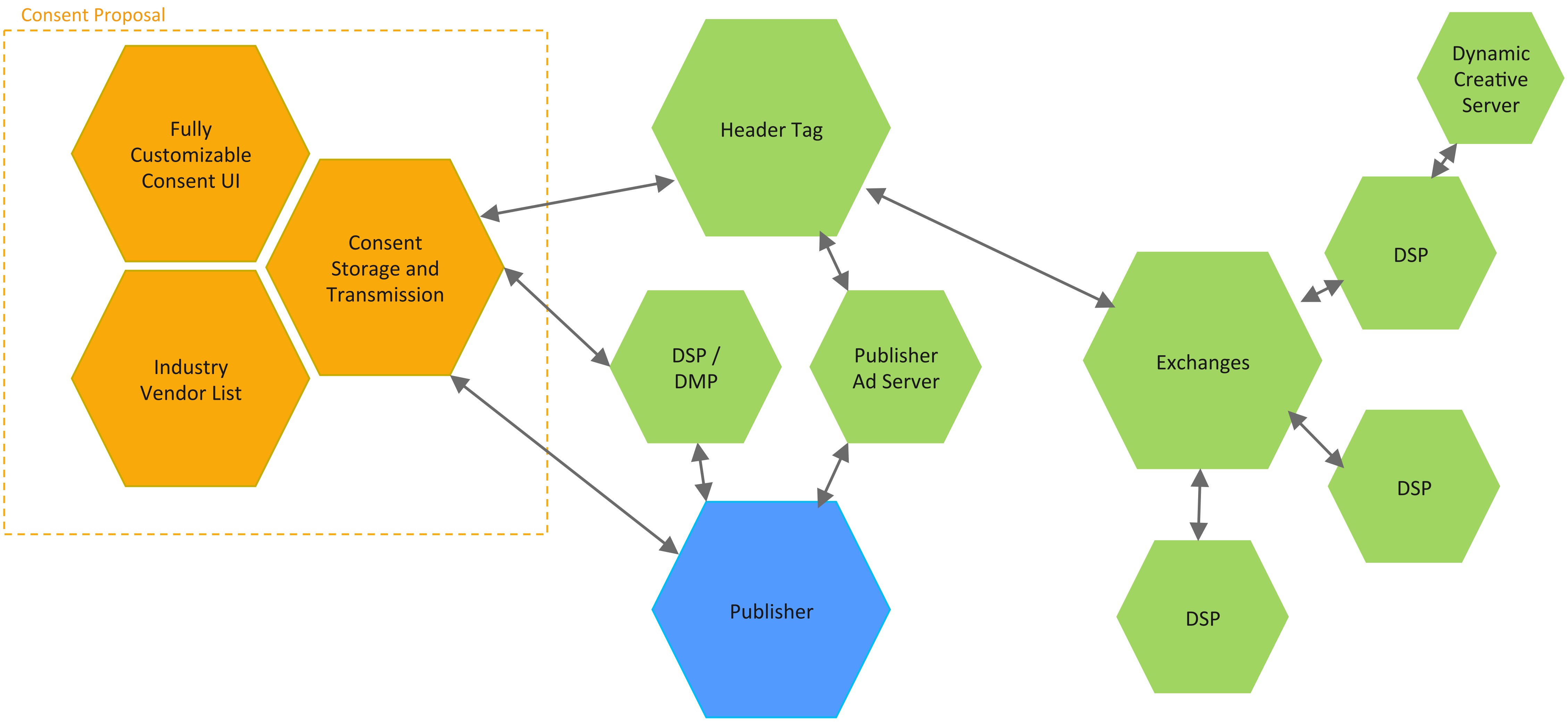
Q: Does the framework support per-purpose, per-vendor control?

A: TBD – current iteration supports control over vendors and over purposes but not different purposes for different vendors. Why? Per technical teams, payload is too large. Technical teams are re-visiting and spec-ing out a solution.

Q: Who will maintain pieces of framework that need to be centrally managed (vendor list, disclosures and updates; policy; consent storage/dissemination reference protocol)?

A: TBD! Stakeholders are determining the best course of governance

Technical Context



The Technology

1. Industry-wide list of vendors bound to standard protocols and policies (Publisher choice over which vendors to activate)
2. Standardized mechanism for requesting, storing, and optionally sharing consent
   - Standard JS API
   - Standard consent storage format (currently 1st/3rd party cookies)
   - Standardized data structure for transmitting consent state
3. Open source specification, complete with reference implementations

Industry Vendor List

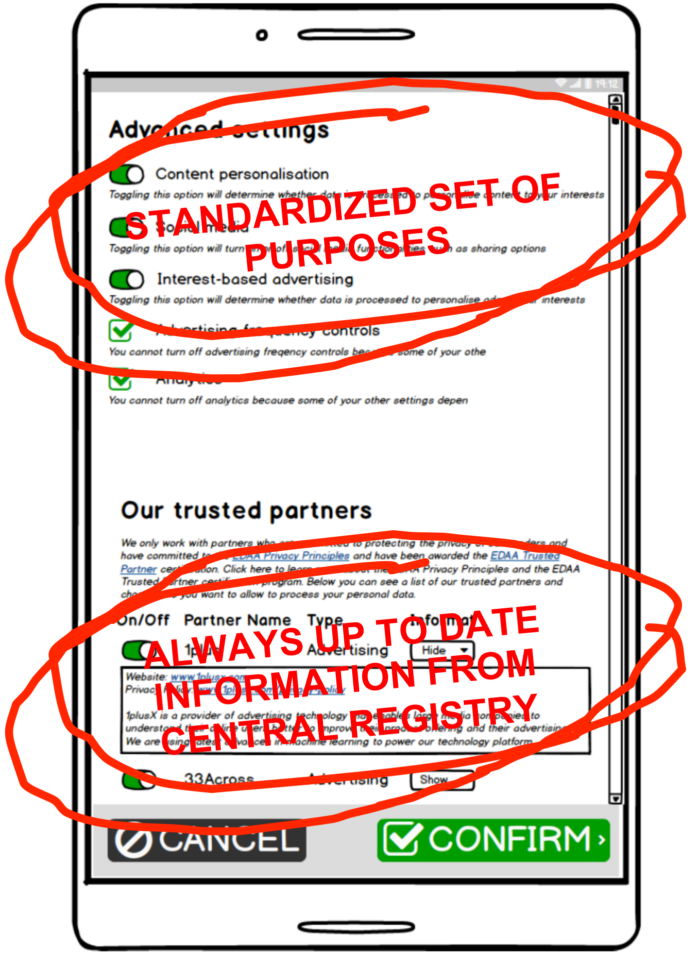
- A centralized, dynamic list of vendors, their purposes, their privacy policy URL, et al
- Versioned to allow for audit trail
- Publishers will use the vendor list as basis for disclosure and consent requests
- Both vendors and publishers will need to adhere to baseline principles and minimum standards

ID	Company	Privacy Policy	Purposes	…
1	SSP1	ssp1.de/privacy	1, 2, 3	…
2	ANW2	anw2.be/privacy	2, 3	…
3	ANA5	ana5.fi/privacy	4	…
…	…	…	…	…

ID	Purpose	Description	…	…
1	Purpose 1	domain.eu/purpose/1	…	…
2	Purpose 2	domain.eu/purpose/2	…	…
3	Purpose 3	domain.eu/purpose/3	…	…
…	…	…	…	…

Requesting Consent

- A JavaScript library/API which enables publishers to customize the experience of requesting consent
  - Abstracts the complexities of consent checking and storage
  - Implements standardized minimum disclosure language
  - Ensures the the vendor list and disclosure language stays updated to latest version
  - Integrates with consent identification mechanism
  - Makes the consent data available for downstream usage via daisy chain
- Examples of user interfaces which leverage the API



Toggling this option will determine whether data is processed to personalise content to your interests

Toggling this option will turn on/off social media functionalities such as sharing options

Toggling this option will determine whether data is processed to personalise ads to your interests

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You cannot turn off analytics because some of your other settings depen

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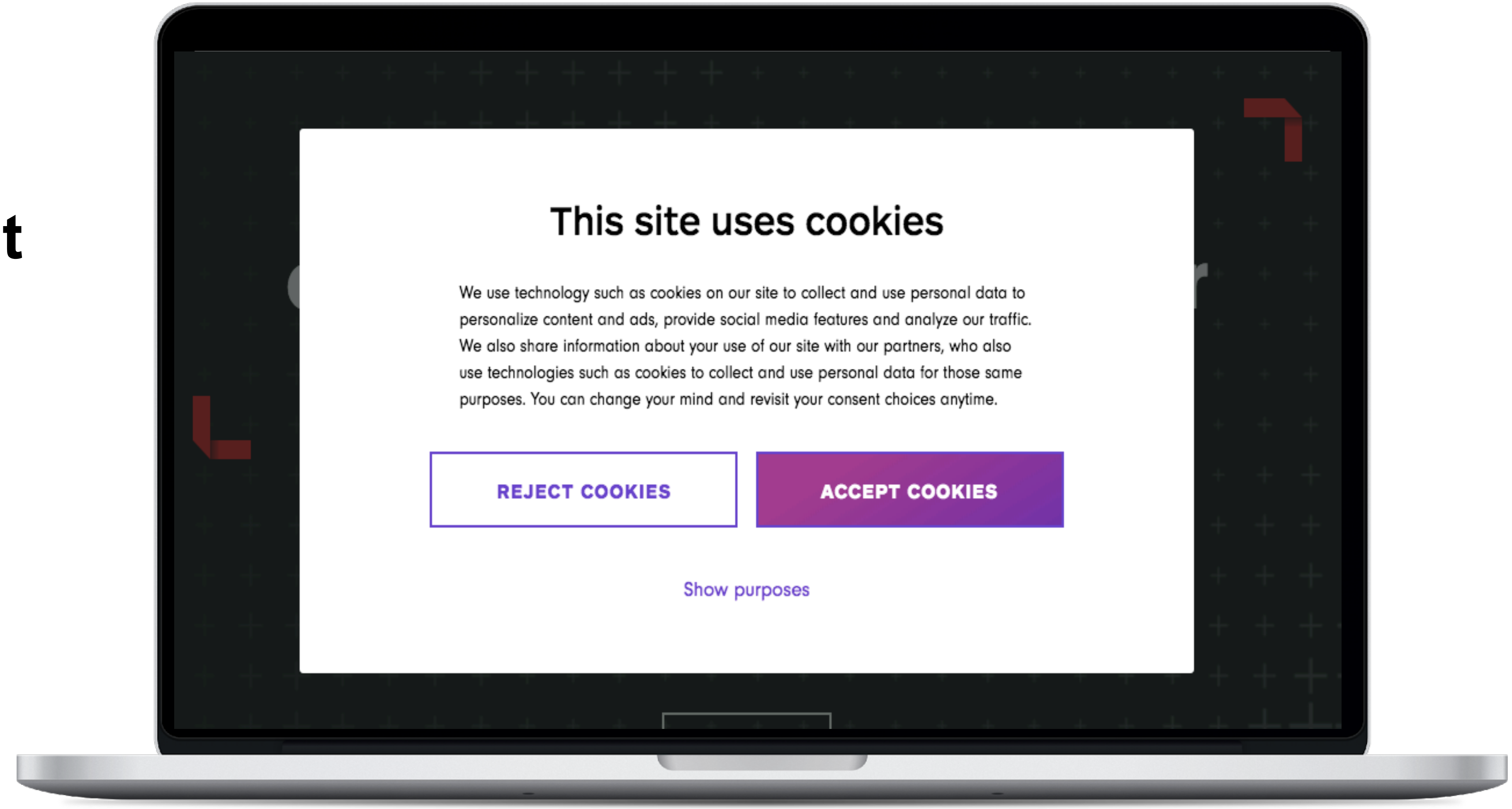
Requesting Consent

NB: These examples are for illustration purposes only. The UI is fully customizable.

Simple consent collection at the global level



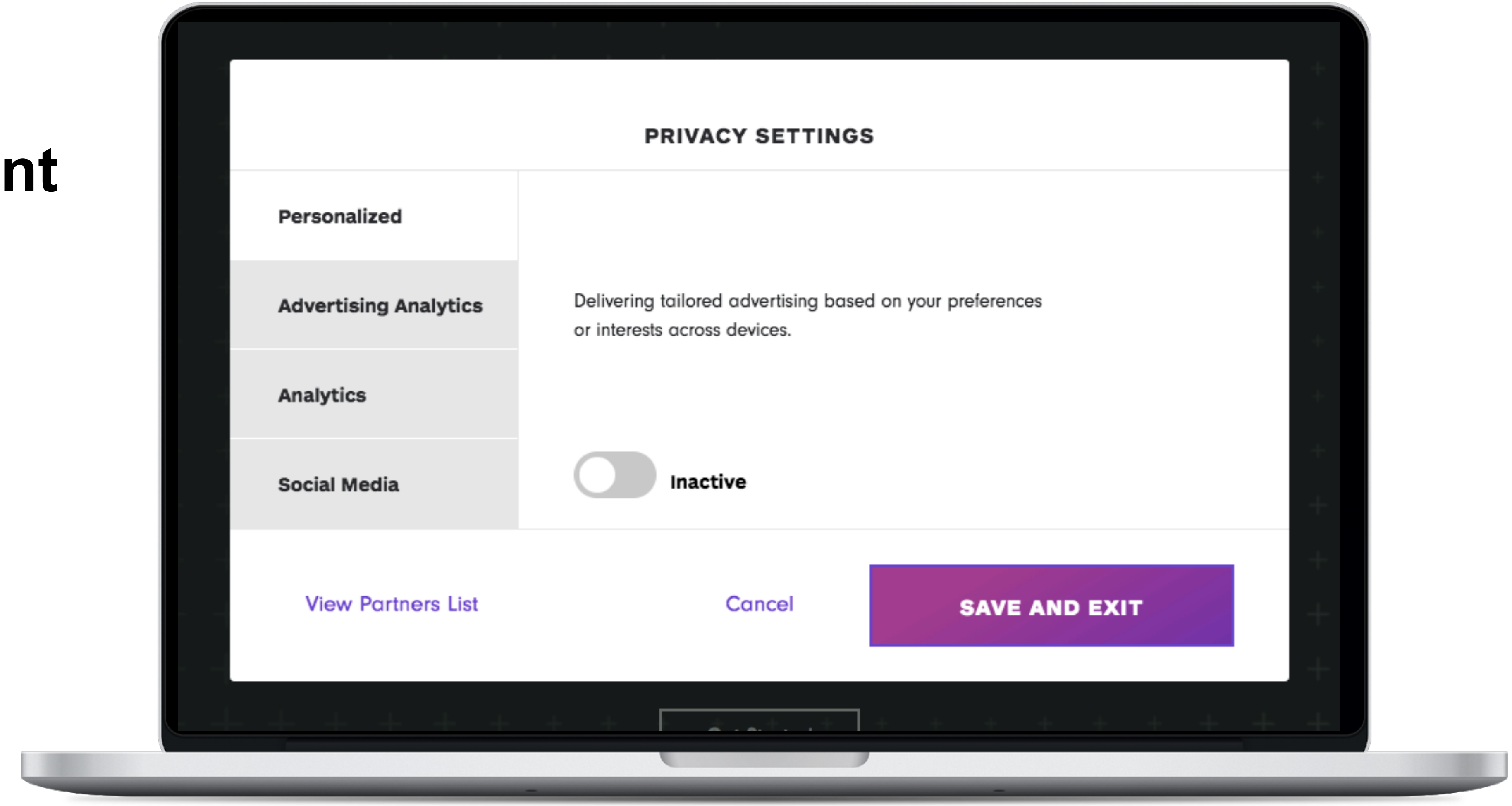
This site uses cookies

We use technology such as cookies on our site to collect and use personal data to personalize content and ads, provide social media features and analyze our traffic. We also share information about your use of our site with our partners, who also use technologies such as cookies to collect and use personal data for those same purposes. You can change your mind and revisit your consent choices anytime.

Requesting Consent

NB: These examples are for illustration purposes only. The UI is fully customizable.

Purpose-level consent options for consumers



PRIVACY SETTINGS

Delivering tailored advertising based on your preferences or interests across devices.

○ Inactive

Requesting Consent

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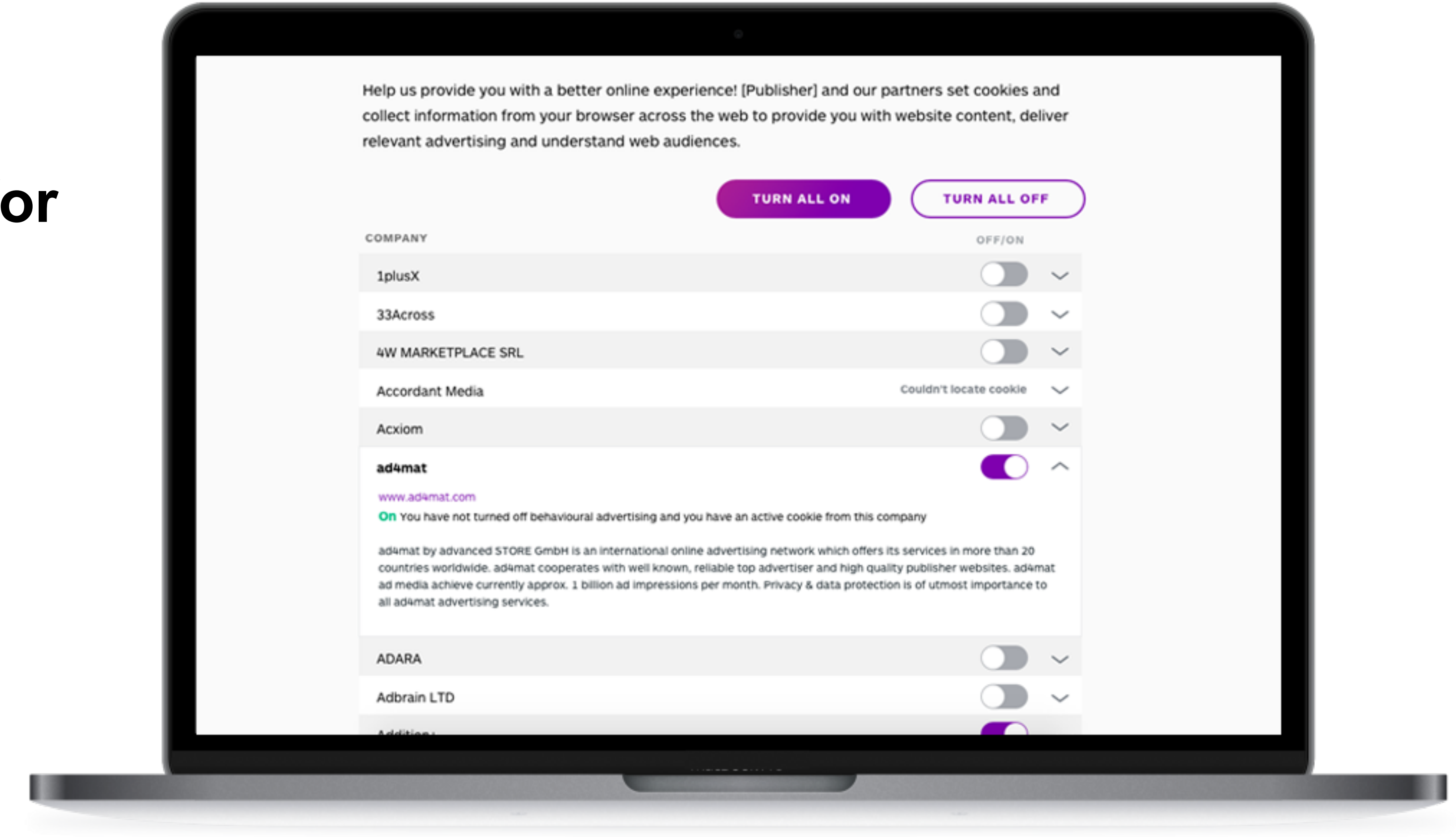
Vendor-level consent management for consumers



Help us provide you with a better online experience! [Publisher] and our partners set cookies and collect information from your browser across the web to provide you with website content, deliver relevant advertising and understand web audiences.

COMPANY	OFF/ON
1plusX	○
33Across	○
4W MARKETPLACE SRL	○
Accordant Media	Couldn't locate cookie
Acxiom	○
ad4mat	●

www.ad4mat.com

On You have not turned off behavioural advertising and you have an active cookie from this company

ad4mat by advanced STORE GmbH is an international online advertising network which offers its services in more than 20 countries worldwide. ad4mat cooperates with well known, reliable top advertiser and high quality publisher websites. ad4mat ad media achieve currently approx. 1 billion ad impressions per month. Privacy & data protection is of utmost importance to all ad4mat advertising services.

COMPANY	OFF/ON
ADARA	○
Adbrain LTD	○

Storing Consent Signals

- Consent storage requires two mechanisms: a user identification method and persistence method.
- Identification method
  - The identification needed for global consent to be made possible could be done via multiple mechanisms (e.g., id syncing).
  - Implementation to be determined by the publisher and vendor. API will standardize interaction, not implementation.
- Persistence method
  - Multiple storage options possible: cookie, mobile app SDK, login alliances, centralized registries, etc.
- Javascript library gives vendors the flexibility to implement storage in whatever mechanism they see fit, supporting both desktop and mobile

Transmitting Consent

- Consent value to be binary: ”consent (1)” or “no consent (0)”.
- Consent will be transmitted via a Daisy Chain: every upstream member will append a consent payload to all downstream requests.
- Consent data structure supports per-purpose (small payload), per-company (moderate payload) or per-company + per-purpose (large payload).
    - Policy requirements and payload size will determine final implementation.
- Consent values to be compressed into as small of a data structure possible.
- OpenRTB to directly support consent transmission

Encoding Choices for Storage & Transmission

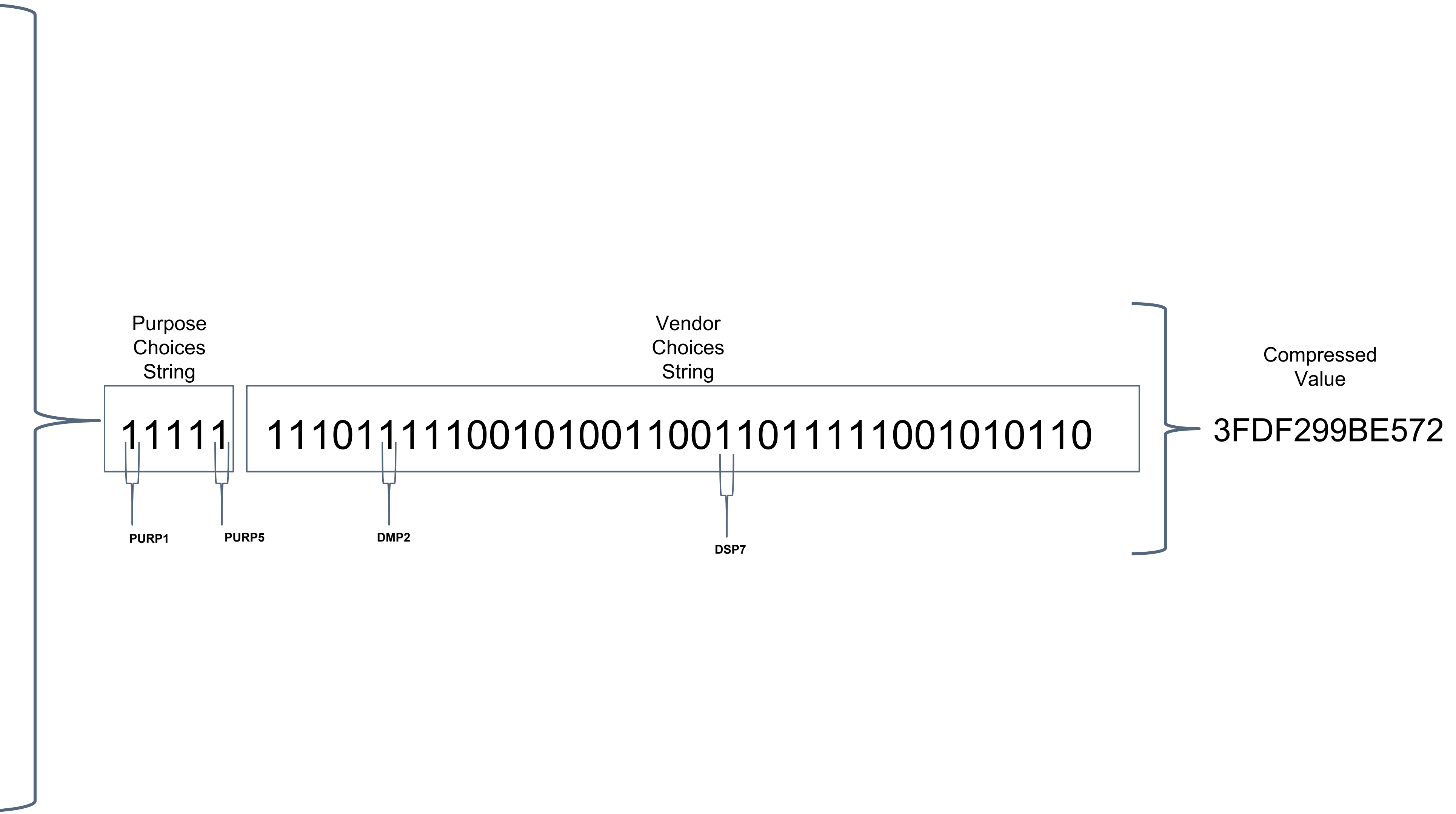
Purpose Choices

1. ✓ PURP1
2. ✓ PURP2
3. ✓ PURP3
4. ✓ PURP4
5. ✓ PURP5

Vendor Choices

1. ✓ SSP1
2. ✓ SSP2
3. ✓ Exchange1
4. X Exchange2
5. ✓ Exchange3
6. ✓ DMP1
7. ✓ DMP2
8. ✓ DMP3
9. ✓ DMP4
10. X DMP5
11. X DMP6
12. ✓ DPM7
13. X DMP8
14. ✓ DMP9
15. X DSP1
16. X DSP2
17. ✓ DSP3
18. ✓ DSP4
19. X DSP5
20. X DSP6

21. ✓ DSP7
22. ✓ DSP8
23. X DSP9
24. ✓ DCO1
25. ✓ DCO2
26. ✓ DCO3
27. ✓ DCO4
28. ✓ DCO5
29. X DCO6
30. X DCO7
31. ✓ DCO8
32 X DCO9
33. ✓ Viewability1
34. X Viewability2
35. ✓ Viewability3
36. ✓ Viewability4
37. ✓ Viewability5
38. X Viewability6
39. X Viewability7
40. ✓ Viewability8
41. X Viewability9



Purpose Choices String

11111

Vendor Choices String

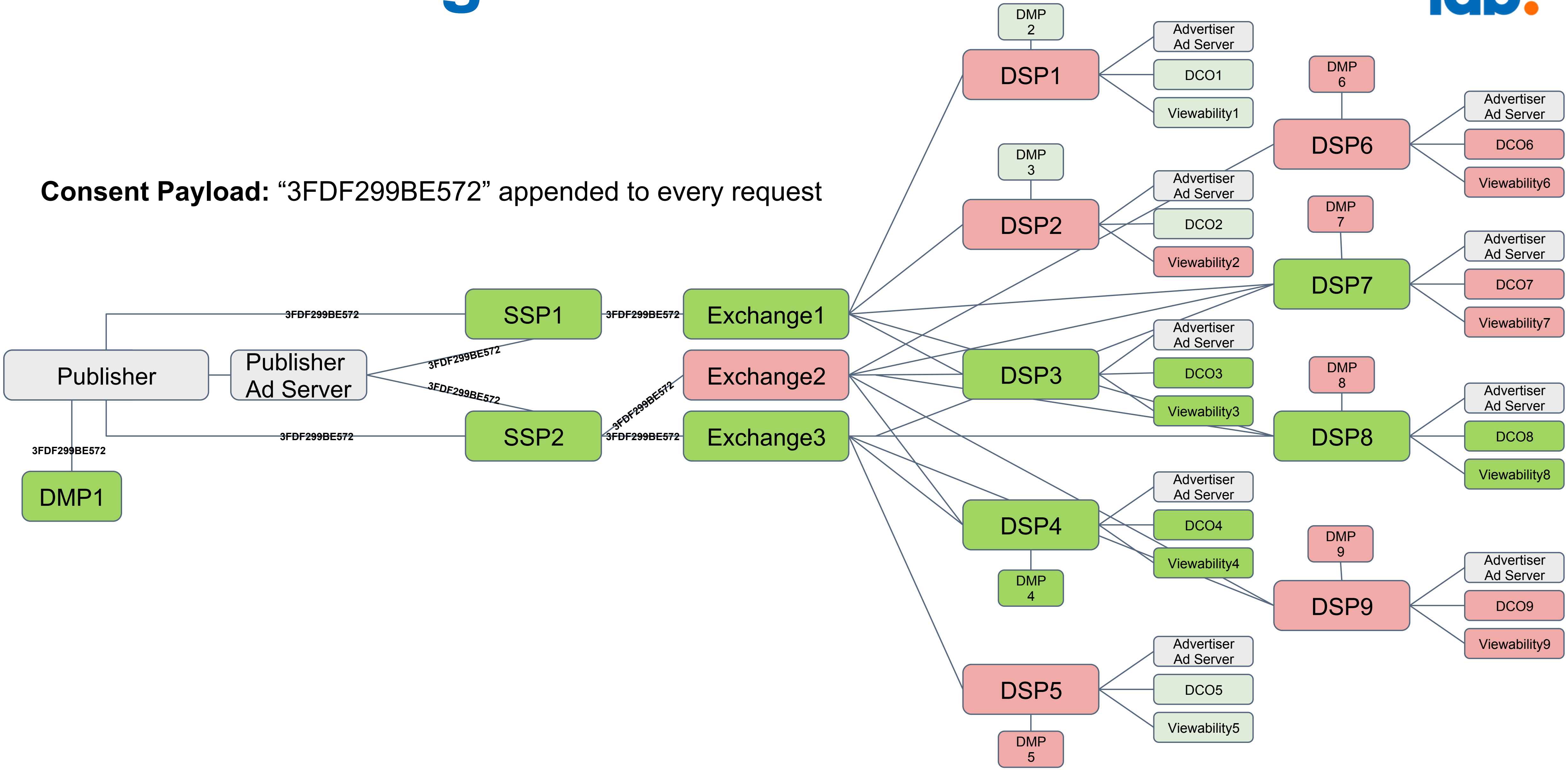
111011111001010011001101111001010110

Compressed Value

3FDF299BE572

Transmitting Consent

Consent Payload: “3FDF299BE572” appended to every request



Combined, they enable...

- **Control** over the vendors enabled by publishers.
- **Transparency** into the supply chain for consumers & publishers.
- An **auditable consent trail** that gives all supply chain members confidence by providing a more efficient disclosure mechanism, enabling companies to ”know” rather than “assume” their consent status with a user.
- A **better user experience** than if every publisher were to try to solve the challenge on their own.

Implementation targets

Publication of draft technical specifications – Jan 2018

Publication of draft policy standard – Feb 2018

OpenRTB Extension specification (v1) – Feb 2018

Reference implementation (v1) – Feb 2018

Updated 08 Jan 2018

iab.europe

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IAS Integral Ad Science
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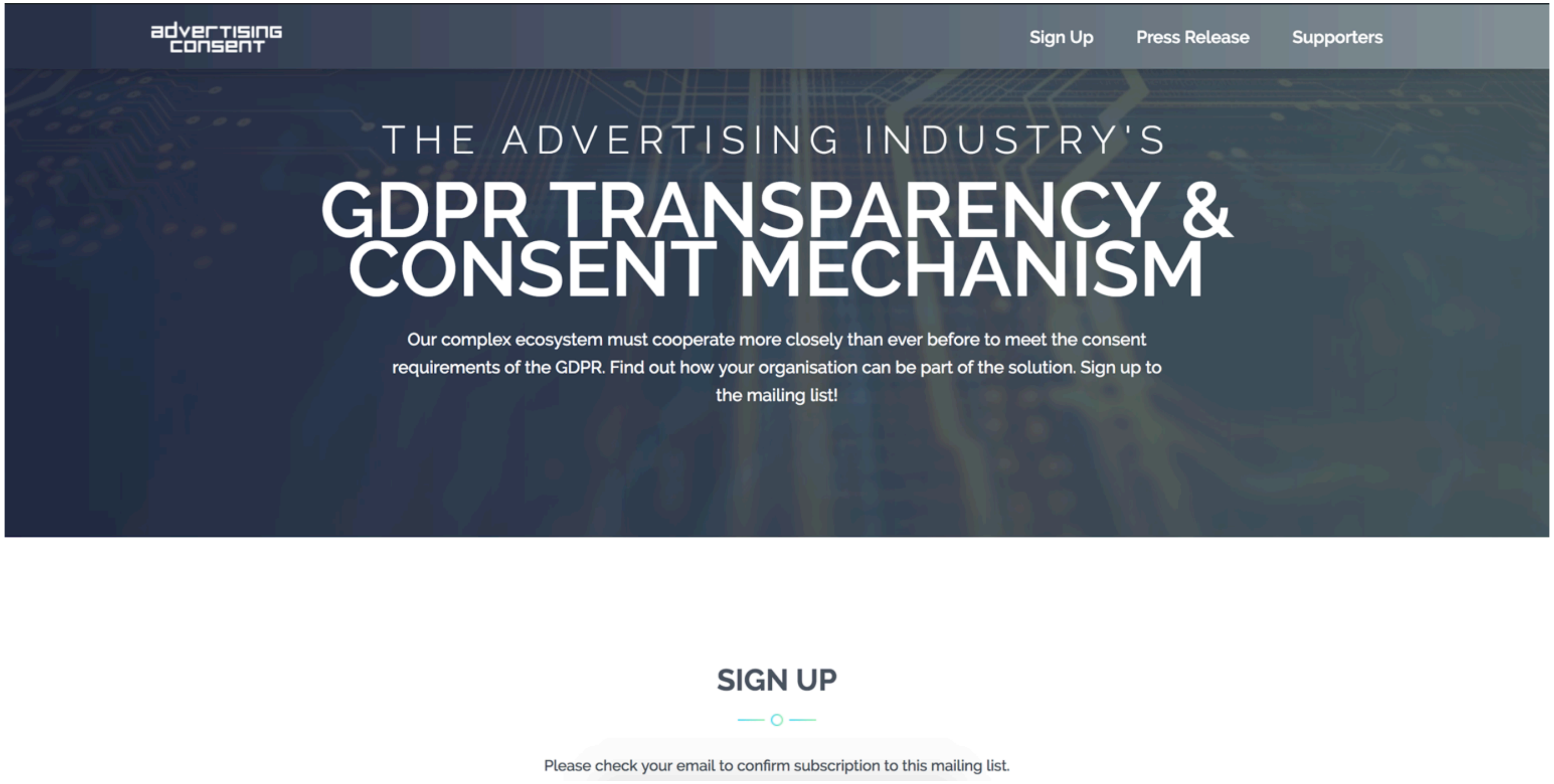
rubicon® PROJECT
INDEX EXCHANGE
MediaMath
quantcast
SPOTX
theTradeDesk
TACTIC™ REAL-TIME MARKETING
Taboola™

In anticipation of coming consent requirements in the European market, companies from across the digital media, advertising and analytics ecosystems have been collaborating on a technical approach for storing consumer consent status and sharing this status where appropriate with partners. Our collaboration has produced a framework that the undersigned companies intend to integrate and support in the marketplace in 2018.

Stay informed



THE ADVERTISING INDUSTRY'S

GDPR TRANSPARENCY & CONSENT MECHANISM

Our complex ecosystem must cooperate more closely than ever before to meet the consent requirements of the GDPR. Find out how your organisation can be part of the solution. Sign up to the mailing list!

SIGN UP

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www.advertisingconsent.eu