

Digital Content Next

Legal and Legislative Committee
November 10, 2015

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Code: 4731000

Agenda

- FTC Cross Device Tracking Workshop
- W3C DNT Standard
- The Consumer Rules: Lessons from Ad Blocking

- DCN Comments to FTC
 - Transparency and Control are key
 - 1st parties tend to be transparent
 - Log in, privacy policy
 - Consumers have choices about where they can find sports, news, entertainment, experiences
 - 3rd parties
 - Some 3rd party tracking fits with a reasonable consumer's expectation (fraud, analytics, etc)
 - Challenge is to provide transparency/control for tracking that is

- Nov 16 Workshop
 - Opening Remarks: FTC Chairwoman Ramirez
 - Background Presentation: Justin Brookman
 - Panel 1 – Technology
 - CDT, Stanford (Mayer), Abine, NAI
 - Panel 2 – Policy
 - New America Foundation, Penn Annenberg School of Communication, DCN (Kint), NAI, BBB
 - Issues to cover:
 - Benefits to consumers
 - DAA
 - Ad Blocking

- W3C Tracking Protection Working Group issued a “last call” on the DNT Standard
 - Now accepting comments
 - Looking for companies to test
- <http://www.w3.org/TR/2015/WD-tracking-compliance-20150714/>

- Standard intended to allow consumers to exercise choice over tracking – defined as the collection of data across multiple contexts (aka parties)
- Basic Framework
 - 1st parties
 - Service Providers (3rd parties working on behalf of 1st parties)
 - 3rd parties

- **1st Parties**
 - Definition of “party” includes all corporate affiliates
 - Must be commonly owned and controlled
 - Group identity must be “easily discoverable”
 - Examples: common branding or list in privacy policy

- 1st Parties (cont'd)
 - Exempt, but with 2 obligations:
 - 1) Cannot “share” data re DNT:1 user with a 3rd party that they could not otherwise collect

“A party **shares** data if it transfers or provides a copy of that data to any other party”
 - 2) Must indicate whether resource is 1st or 3rd

Via machine-readable, well-known page or via response header

- Service Providers
 - allowed to stand in shoes of 1st or 3rd party if service provider:
 - 1) processes the data on behalf of the contractee;
 - 2) ensures that the data is only retained, accessed, and used as directed by the contractee;
 - 3) has no independent right to use the data other than in a de-identified form (e.g., for monitoring service integrity, load balancing, capacity planning, or billing); and,
 - 4) has a contract in place with the contractee which is consistent with the above limitations.

- 3rd Parties
 - May not collect/use data except for the following:
 - 1) Frequency Capping
 - 2) Financial Logging (billing, auditing)
 - 3) Security
 - 4) Debugging
- “Retargeting” limitation: a 3rd party may not “use data from network interactions with this particular user in a different context.”

W3C DNT – Case Study

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Yahoo! Good Morning Am

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▶ Ciara and Russell Wilson's Picture-Perfect

▶ New York Couple Welcomes Set of Quadruplets

▶ Officials Search for Answers to IHOP Parking Lot

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Wednesday, December 16

8:30 – 11:00 AM

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Newseum

- Program:
 - Opening remarks from Jason Kint
 - Panel discussion about why consumers are using ad blockers and how can industry respond
 - Fireside chat with Julie Brill (TBD)