

# Digital Content Next

Legal and Legislative Committee  
August 14, 2018

- Review Draft DCN Comments to FTC
- Update on NTIA Process to Develop Federal Consumer Privacy Framework
- Update on California Consumer Privacy Act

## Intro to DCN

### Consumer Expectations and Trust

- Premium Publishers have direct, trusted relationships with consumers
- Consumers expect collection/use of data within context
- Consumer trust undermined when data is collected in one context but used in another
  - e.g. FB/CA, Google

### Competition

- Duopoly of Google/FB
  - 73% of digital ad market, 83% of growth
- Scale of data collection
  - Google tracking code on 70% of top 1 million sites
  - FB tracks consumers on over 8.4 million sites
- Market Dominance leads to abuse
  - Google GDPR terms
  - AMP

### Timeline

- Edits to DCN by COB, Thursday, Aug 16
- Comments due to FTC by Monday, Aug 20

### NTIA Privacy Framework

- Originally “principles”
- Now “user outcomes” and “goals for govt action” with request for comments
- Timing: “sooner rather than later”
  - Coordinating with NIST

### NIST Privacy Engineering Framework

- Developing Privacy Risk Management Framework
  - Set of tools/codes of conduct
  - Focus on identifying risks, calibrating solutions
    - Privacy risk > compliance risk

### International Trade Administration

- Ensuring free flow of data, interoperability between global privacy frameworks

### DCN Talking Points

- Consumer Expectations key to privacy framework
  - 1<sup>st</sup> parties have direct relationship with consumers, incentive to protect consumer trust
  - Consumers have choices about which sites/apps to visit
  - Transparency/Choice should focus on data collected in one context, used in another
    - e.g. Facebook/Cambridge Analytica, Google
- Liability should fall on entity that misuses consumer data
  - 1<sup>st</sup> parties should not serve as “internet policemen”
- Privacy rules should not cement dominant positions of Google and Facebook

# CA Consumer Privacy Act

- Summary of modifications made to AB 375/SB 1121
- Effort to delay
  - Industry/consumer group letters
- Substantive changes sought



Questions?

Other Issues?