

Digital Content Next

Legal and Legislative Committee
October 9, 2018

Preview Outline of DCN Comments to NTIA re
Consumer Privacy Framework

DCN Approach to the Honest Ads Act and
Similar State Measures

- NTIA request for comments on Administration's approach to "consumer data privacy"
 - Identified 7 "outcomes" as opposed to business practices
- Comments due October 25

7 Outcomes:

- Organizations should be **transparent** about how they collect, use, share, and store users' personal information.
- Users should be able to exercise **control** over the personal information they provide to organizations.
- The collection, use, storage and sharing of personal data should be **reasonably minimized** in a manner proportional to the scope of privacy risks.
- Organizations should employ **security** safeguards to protect the data that they collect, store, use, or share.
- Users should be able to reasonably **access and correct** personal data they have provided.
- Organizations should take steps to **manage the risk** of disclosure or harmful uses of personal data.
- Organizations should be **accountable** for the use of personal data that has been collected, maintained or used by its systems.

Proposed Outline of DCN Comments

DCN Agrees with Outcomes of Transparency, Choice and Security

DCN supports federal consumer privacy legislation

- Preempt state laws to provide a level playing field for industry and ensure that all Americans are protected
- Any law should avoid baking in dominance of platforms

Consumer Expectations are Key

- Consumers expect data collection within context of a service (e.g. analytics, personalization, content recommendation, contextual and audience ad targeting, etc)
 - Consumers have choice about which sites or apps to visit for news and entertainment
- Consumers do NOT expect data collected in one context to be used in another (e.g. Cambridge Analytica, Google)
 - Consumers do not have a choice over out of context data use

Proposed Outline of DCN Comments (cont'd)

Transparency

- All companies should be transparent re their data collection/use practices
- Federal government should encourage experimentation and highlight successful transparency mechanisms

Choice

- Consumers can choose which sites/apps to visit and expect data collection and use related to their use of the service
 - Functions such as analytics, content recommendations, personalization, contextual and audience ad targeting should be exempted
- Consumers should have choice over data collected or used outside of relationship with a company

Security

- Companies should ensure consumer data is properly secured. The level of security should be proportionate to the sensitivity or breadth of the data held
- Obligations for security should fall to the company that collects the data

Questions?

Honest Ads Act Review:

- Introduced by Sens. Klobuchar (D-MN) and Warner (D-VA)
- Any online platform (website, app, ad network, social network or search engine)
- That sells political advertising + has over 50m monthly uniques
- Must maintain a public-facing, machine-readable file of requests from a person to run political advertisements that exceed \$500 in a calendar year
- File must include:

Copy of the ad
Description of audience targeted
Number of views
First and last date displayed
Average rate charged for the ad

Candidate name, committee and treasurer
OR
Purchaser of ad, contact info, executive officers or executive committee or board members

DCN Approach:

- Raise threshold from 50m to 130m
- Focus threshold on domain, not company

ComScore Audience Data - by company in April 2018

Total Internet : Total Audience	258,006
Google Sites	249,489
Oath	219,945
Microsoft Sites	213,504
Facebook	208,916
Amazon Sites	200,918
Comcast NBCUniversal	175,722
CBS Interactive	173,890
The Walt Disney Company	158,727
Twitter	157,171
Meredith Digital	156,781
Turner Digital	153,888
Apple Inc.	151,056

ComScore Audience Data - by domain in April 2018

Total Internet : Total Audience	258,006
YOUTUBE.COM	234,928
GOOGLE.COM	224,120
FACEBOOK.COM	205,992
AMAZON.COM*	182,844
YAHOO.COM	171,718
TWITTER.COM	156,846
INSTAGRAM.COM	139,916
WIKIPEDIA.ORG	133,199
MESSENGER.COM	131,160
BING.COM	130,620
PAYPAL.COM	121,556
CNN.COM*	116,274

MD Law challenged by group of newspapers
- political speech is protected

Should DCN submit amicus in support?

Questions?