

Digital Content Next

Legal and Legislative Committee
November 14, 2019

Discussion re Practical CCPA Questions

- confidential discussion
- no attribution

CCPA Questions

Placement of DNS button (definition of Homepage)

Handling of DNS request

Verification of California residency: DNS, access/delete requests

Explicit notice for 3rd parties

Vendor Contracts and clauses (service provider)

IAB Framework

DCN CCPA Comments

Placement of DNS button (definition of Homepage)

CCPA text requires “clear and conspicuous link on the business’s Internet homepage, titled ‘Do Not Sell My Personal Information’”... (1798.135)

CA AG regulations appear to require “‘Do Not Sell My Personal Information’ or ‘Do Not Sell My Info’ link on the website homepage or the download or landing page of a mobile application” (999.306 (b)(1))

CCPA Questions

Once clicked by user, how are publishers handling DNS request?

Requests in connection with third party AdTech

- via technical industry solution (e.g. IAB)?

Other DNS requests (list rentals, etc)

CCPA Questions

CA vs US

DNS

- apply to CA only?
- If so, how to verify?

Access/Deletion Requests

- apply to CA only?
- If so, how to verify?

CCPA Questions

3rd parties are required to provide “explicit notice” before they can sell data (1798.115(d))

IAB draft framework requires publishers to provide “explicit notice” on behalf of 3rd parties

Will publishers provide explicit notice? If so, how?

Vendor contracts

- CCPA allows for service providers to collect/use data on behalf of a business, provided they have a “contract (that) prohibits the entity receiving the information **from retaining, using, or disclosing the personal information for any purpose other than for the specific purpose of performing the services specified in the contract for the business**, or as otherwise permitted by this title, including retaining, using, or disclosing the personal information for a commercial purpose other than providing the services specified in the contract with the business.” (1798.140 (v))

IAB Framework

- Relies heavily on “service provider” role
- Allows for targeted ads based on data older than 90 days before the consumer opt out
- Questions/Concerns:
 - appears to allow for multiple frameworks
 - does not contemplate browser/device signals
 - DNS signal may not turn off targeted ads

Intro

DNS

- clarify that contextual and first party advertising allowed
- after DNS, 3rd parties should revert to service provider role

Disclosure

- requirements should focus on "sale" of data, not business uses
- requirement to disclose requests for companies that collect data about 4+ m consumers should be changed

DCN Comments to CA AG (cont'd)

Greater flexibility for service providers

Treatment of non-verified, anonymous users (Strategy question)

- honor opt-out, but point to privacy policy for access/deletion

Minors

- question whether minors can give legal consent

Is notice required of non-verification?

Questions
