

# Digital Content Next

Legal and Legislative Committee  
November 10, 2020

(will start at 11:05 to allow  
attendees to arrive – no audio while  
we wait)

## Agenda

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How Are Publishers Honoring the Global Privacy Control?

Discussion re Coalition for App Fairness

Review 2020 Election Results



# **The Global Privacy Control**

**what problem are we solving?**

## HOW CAN PUBLISHERS BE **SOLE CONTROLLERS** OF THEIR AUDIENCE DATA?

When third parties reuse a publisher's audience data and remonetise that data elsewhere, not only do they obtain revenue from the publisher's work but they also devalue how much a publisher can get for advertising on their own properties.

Working with providers is of course fine, but there is no reason why, in a competitive market, a publisher would let a vendor reuse their audience.

- **negotiation**  
in good relationships, we can negotiate controllership with the third party
- **competition**  
if negotiations fail but the market is competitive, we can switch to a friendlier competitor
- **the law**  
when there is no competition, however, relying on legal forcing functions can prove effective

# Take Control Of Your Privacy

Exercising privacy rights more simply is critical to making online privacy accessible to all.

[DOWNLOAD NOW](#)

[GET INVOLVED](#)





## WHAT IS GPC?

- A single user-enabled privacy control
- Conveyed by browsers, who act on behalf of the user:
  - Exposed over HTTP for servers
  - Exposed in JavaScript for Web pages
- Maps to different regulations to implement single controllership
  - “Do Not Sell” under the CCPA
  - Even stronger under the CPRA
  - Art. 7 & 21 (depending on legal basis) under the GDPR
  - Similar for other jurisdictions



## GLOBAL PRIVACY CONTROL PARTNERS



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## Global Privacy Control (GPC)

Unofficial Draft 29 October 2020

### Latest editor's draft:

<https://github.com/privacywg/global-privacy-control>

### Editors:

Patric Berger (The New York Times)  
 Sebastian Zorn (Washington University)  
 Adrian Butner (Independent)  
 David Heritage (DuckDuckGo)  
 Peter Snyder (Brave Software)

### Participate:

GitHub: [global-privacy-control](https://github.com/privacywg/global-privacy-control)  
 File a bug  
 Comment history  
 Pull requests

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### Abstract

This document defines a signal, transmitted over HTTP and through the DOM, that conveys a user's request to websites and services to not sell or share their personal information with third parties. This standard is intended to work with existing and upcoming legal frameworks that render such requests enforceable.

### Status of This Document

This document is a draft of a potential specification. It has no official standing of any kind and does not represent the support or consensus of any standards organization.

### 1. Introduction

Building websites today often requires relying on services provided by businesses other than the one which the user chooses to interact with. This result is a natural consequence of the increasing complexity of Web technology and of the division of labor between different services. While this architecture can be used in the service of better Web experiences, it can also be abused to violate user privacy.

Several legal frameworks exist — and more are on the way — within which users have the right to request that their privacy be protected, including requests that their data not be sold or shared beyond the business with which they intend to interact. Requiring that users express their rights for each and every site they visit is, however, impractical.

Given the ease and frequency by which personal information is collected and sold when a consumer visits a website, consumers should have a similarly easy ability to request to opt-out globally. This regulation offers consumers a global choice to opt-out of the sale of personal information, as opposed to going website by website to make individual requests with each business each time they use a new browser or a new device. (CCPA AG FINAL STATEMENT)



## HOW THE TIMES HAS IMPLEMENTED GPC

We have implemented support for GPC. It should go into production soon.

It is hard to tell the difference because most of what changes is the right to reuse the data.

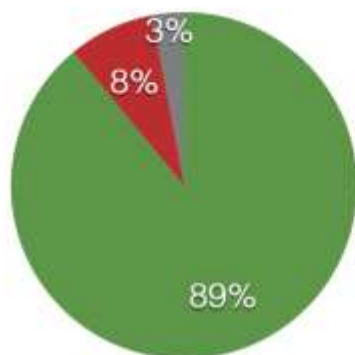
We still have ads. They are still targeted. In CCPA the “Do Not Sell” button changes.

Having a standard makes things *simpler*.

- **CCPA/CPRA jurisdictions**  
we treat it like a “Do Not Sell” signal
- **GDPR jurisdictions (EEA, Brazil, Bermuda, UAE...)**  
we ensure that no third-party data controllers are on the page

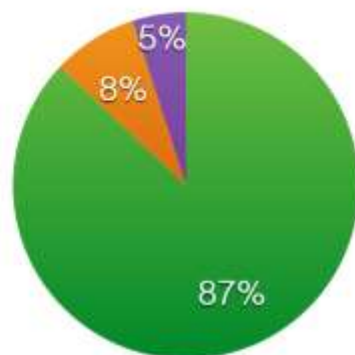
## SUPPORTING GPC ALIGNS WITH OUR READERS

If users were given a *genuine* choice, the data economy would work very different.



### Browser Protection

89% of users think the default setting of their browser should prevent data from being shared with third parties.



### Do Not Sell My Data for Ads

87% of users think we should not be selling their data to third parties to run ads.

# 76%

### 76% of Readers: Loss of Control

Readers do trust publishers with data but they do not trust third parties.

The trust they extend to publishers is not transitive.



**thank you!**

## Agenda

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How Are Publishers Honoring the Global Privacy Control?

Discussion re Coalition for App Fairness

Review 2020 Election Results

Formed by Match Group, Spotify, Epic

Initial focus on Apple “tax”

Broadened to focus on platforms/app stores

47 Current members

- Schibsted, European Publishers Council, News Media Europe

# 10 Principles

1

No developer should be required to use an app store exclusively, or to use ancillary services of the app store owner, including payment systems, or to accept other supplementary obligations in order to have access to the app store.

2

No developer should be blocked from the platform or discriminated against based on a developer's business model, how it delivers content and services, or whether it competes in any way with the app store owner.

3

Every developer should have timely access to the same interoperability interfaces and technical information as the app store owner makes available to its own developers.

4

Every developer should always have access to app stores as long as its app meets fair, objective and nondiscriminatory standards for security, privacy, quality, content, and digital safety.



## Coalition for App Fairness

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5

A developer's data should not be used to compete with the developer.

6

Every developer should always have the right to communicate directly with its users through its app for legitimate business purposes.

7

No app store owner or its platform should engage in self-preferencing its own apps or services, or interfere with users' choice of preferences or defaults.

8

No developer should be required to pay unfair, unreasonable or discriminatory fees or revenue shares, nor be required to sell within its app anything it doesn't wish to sell, as a condition to gain access to the app store.

9

No app store owner should prohibit third parties from offering competing app stores on the app store owner's platform, or discourage developers or consumers from using them.

10

All app stores will be transparent about their rules and policies and opportunities for promotion and marketing, apply these consistently and objectively, provide notice of changes, and make available a quick, simple and fair process to resolve disputes.

## Agenda

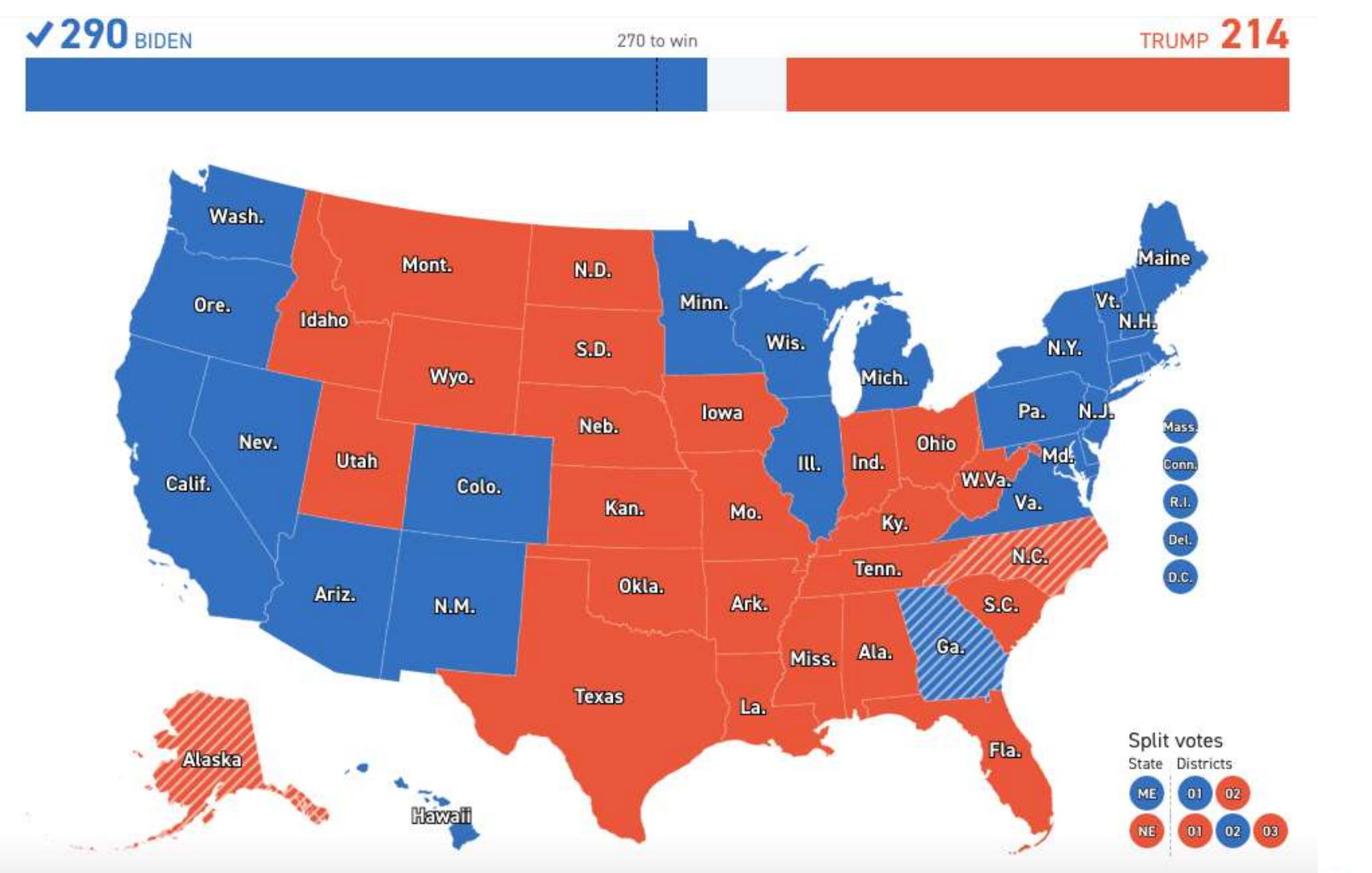
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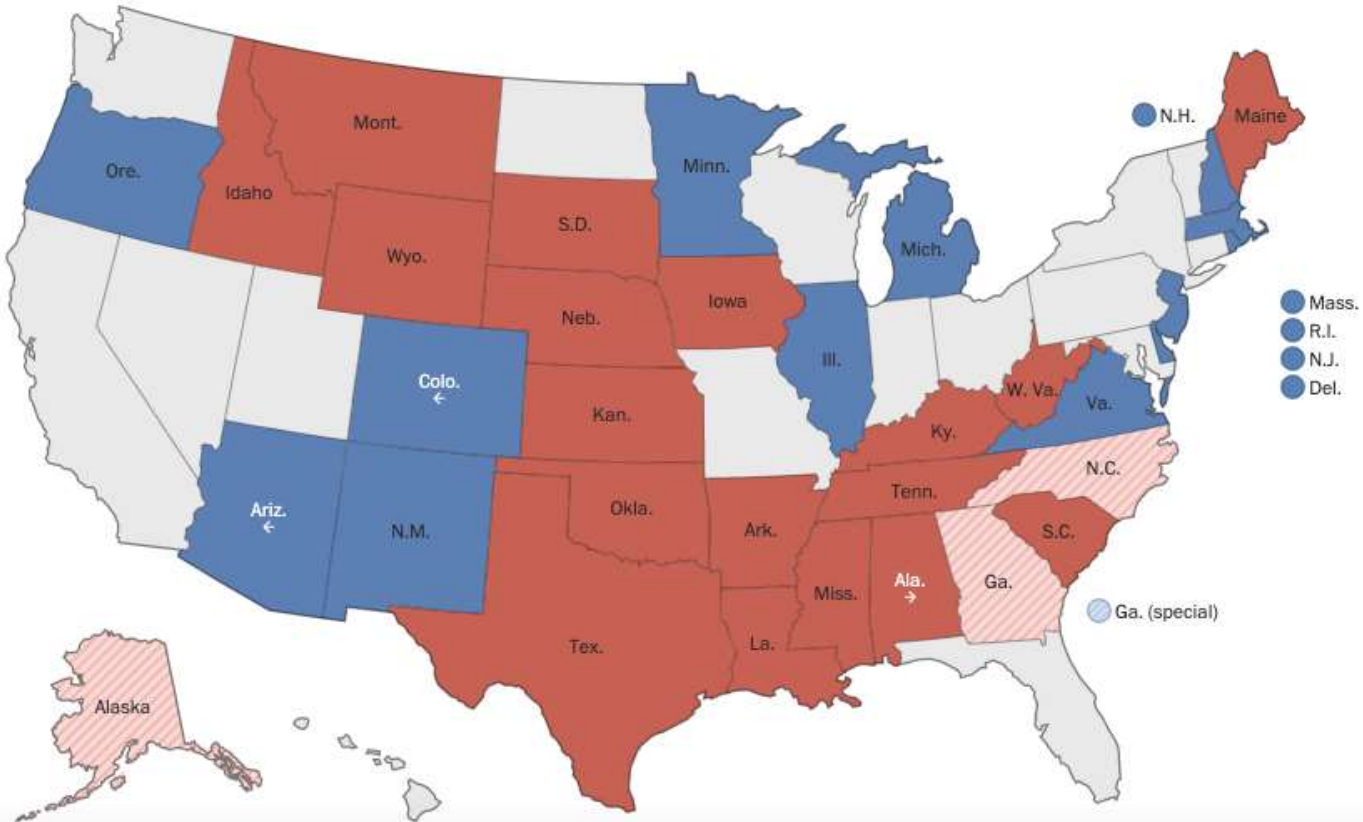
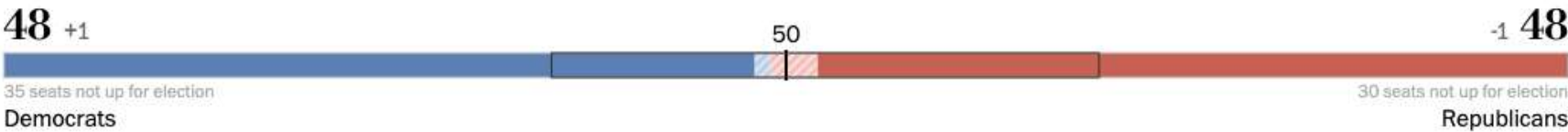
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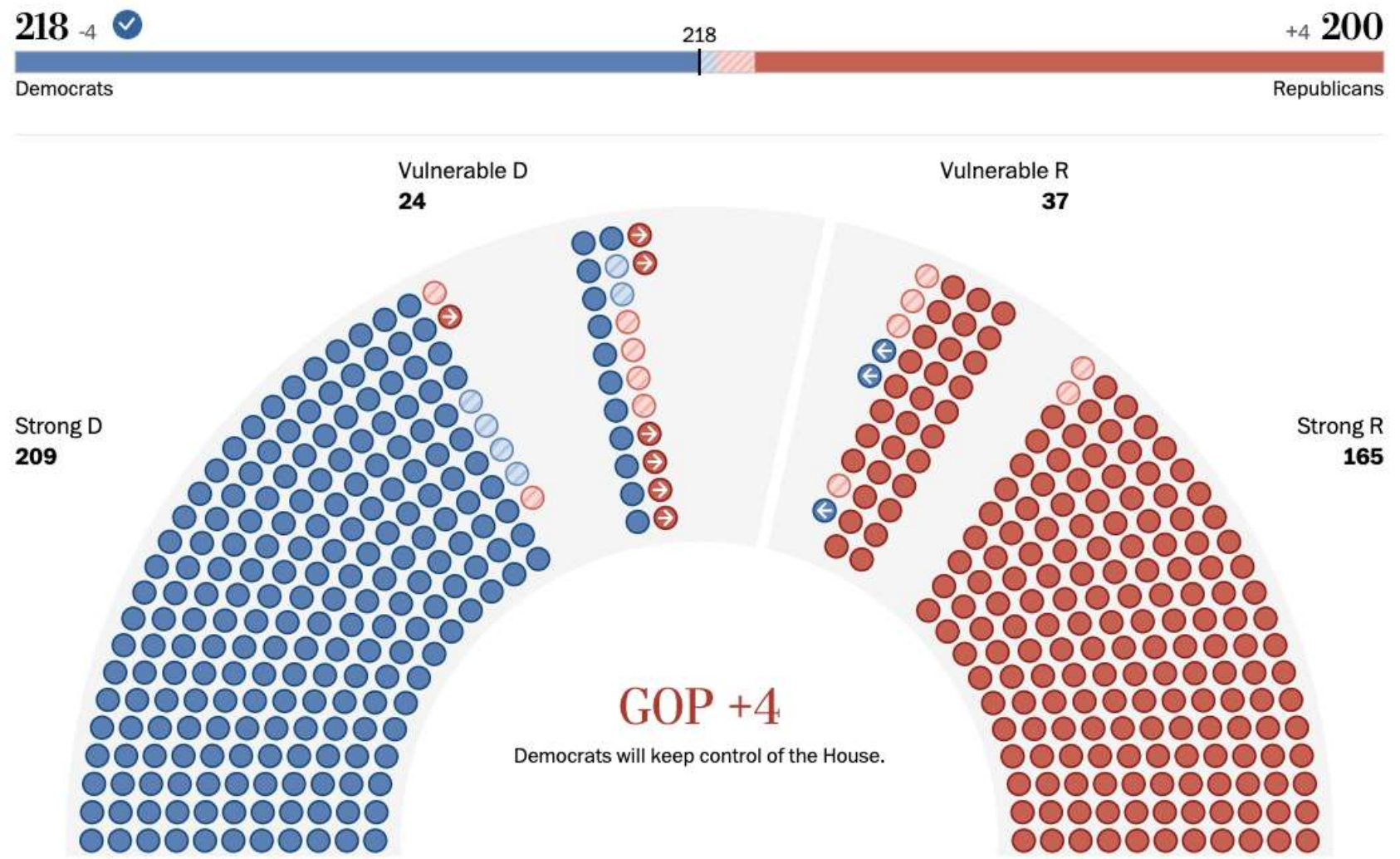
# 2020 Elections - President



# 2020 Elections - Senate



# 2020 Elections - House





### Prop 24 – California Privacy Rights Act (Approved 55.9% - 44.1%)

#### Key Provisions:

- Switch language authored by DCN:
  - when a publisher passes along the consumer's opt-out, downstream partners must revert to role of service provider, and;
  - Publisher is not liable for violations of downstream partners (barring actual knowledge)
- Cross Context Behavioral Advertising
  - Initiative allows consumer control over advertising targeted across different businesses
  - Intentionally does NOT apply to advertising based on activity across a company's site(s)



## Other Issues?