

# Self Regulatory Principles for Online Behavioral Advertising Implementation Guide

## – “Third Party” Responsibilities –

### What is a “Third Party”?

The [Self-Regulatory Principles for Online Behavioral Advertising](#) (“Principles”) apply broadly to the diverse entities that engage in online behavioral advertising (“OBA”), governing three major types of entities – First Parties, Third Parties and Service Providers – that work interdependently to deliver relevant advertising to specific computers or devices in ways that enrich the consumer online experience.

Under these *Principles*, a Third Party is defined as “an entity that engages in OBA on a non-affiliate’s Web site.” In short, Third Parties are advertising networks and data companies (including ad exchanges and data aggregators) and, in some cases, advertisers.

In order to fully understand the responsibilities of Third Parties and the environment in which you are operating, you should also read the “What Everyone Needs to Know” section of this Implementation Guide.

### How Do the *Principles* Apply to Third Parties?

You have identified yourself as a Third Party, which means that you engage in online behavioral advertising (“OBA”) on a non-affiliate’s Web site. This guidance for Third Parties is directed primarily to **advertising networks and data companies** that collect Web viewing data across multiple unaffiliated sites and use such data to serve online interest-based advertising.

An **advertiser** (i.e., a company whose product or service is being promoted in an advertisement) may also be a Third Party if it engages in data collection and use for online interest-based advertising. However, if the advertiser uses an ad network or other entity to collect data for interest-based advertising purposes and that entity does not provide such data to the advertiser for its independent use, the advertiser is not a Third Party and not subject to the *Principles* in that capacity.

**[NOTE:** If your company also operates Web sites and/or exercise control over other affiliated sites, then you may also be a First Party and you should also comply with the sections of the *Principles* and this Implementation Guide directed to “First Parties” engaged in those activities.]

As a Third Party that operates across multiple unaffiliated sites, you should do the following to comply with the *Principles*:

1. Provide a clear, meaningful and prominent notice on your Web site disclosing your OBA practices;



2. Provide a clear, meaningful and prominent link (i.e., the “enhanced notice link”) to the information in your Web Site notice. This can be accomplished either by linking directly from the advertisements you place (i.e., notice in or near the ad), or from other places on the Web page where you collect or use data for OBA purposes (likely accomplished through collaboration with a First Party);
3. Provide easy-to-use ways for consumers to choose whether data is collected and used for OBA purposes or is transferred to another, unaffiliated entity for OBA purposes;
4. Provide appropriate security for, including limiting the retention of, the data you collect and use for OBA purposes;
5. Obtain consumer consent before materially changing your OBA data collection and use policies; and
6. Limit the collection of certain sensitive information for OBA purposes.

Below is a more detailed explanation of each of these obligations.

## 1. Ensuring Transparency

The *Principles* assign responsibility for consumer transparency and control concerning OBA practices to Third Parties (i.e., the entity collecting the data for OBA purposes is responsible for complying with this aspect of the *Principles*).

You should provide notice of your data collection practices on your own Web site. This notice should be clear, meaningful and prominent, and should describe the following:

- The types of data collected online, including any personally identifiable information collected for OBA purposes;
- The uses of such data, including whether it will be transferred to another, unaffiliated entity for OBA purposes;
- An easy-to-use way for consumers to exercise choice with respect to the collection and use of data for OBA purposes or transfer of such data to other, unaffiliated entities for OBA purposes; and
- The fact that you adhere to the *Principles*.

In addition to the notice on your Web site, you should also provide “enhanced notice” to consumers whenever you are collecting or using data for OBA purposes on a non-affiliated Web site. This enhanced notice should take the form of a clear, meaningful and prominent link (the “enhanced notice link”) to the information in your Web site notice. The link may be provided either by you or by the operator of the non-affiliated Web site (“First Party”) on which you are collecting or using data for OBA purposes.

If you provide the enhanced notice link:

- You can place a link “in” an advertisement by locating it within the content of the advertisement, eg. an overlay;
- You can place a link “around” an advertisement by locating it within an area around the ad that you control; or

- With agreement from the (First Party) Web site operator, you can place a link “in another place” on the Web page where the OBA data is collected, as long as it is clear, meaningful and prominent.

If the (First Party) Web site operator provides the enhanced notice link on its site, it should place the link on the Web page(s) where the data is collected or used for OBA purposes. The link should connect directly to a disclosure statement on the Web site itself that:

- Links to the [www.AboutAds.info](http://www.AboutAds.info) site if you are registered and listed on it; or
- individually lists you as a Third Party and provides a link to the information in your Web site notice.

The (First Party) Web site operator’s provision of the enhanced notice link to the industry Web page will be particularly useful for Third Parties that are collecting data for OBA purposes on pages where they are not serving OBA advertisements.

Any enhanced notice link provided by the Web site operator should be distinct from the link to its own privacy policy.

In all cases, where the enhanced notice link takes the user to disclosure language about Third Party OBA practices in a general privacy policy, then the link should go directly to the relevant section of the privacy policy where the disclosure is located and not just generally to the privacy policy. Providing notice hidden in lengthy terms and conditions does not satisfy the requirement to provide clear, meaningful and prominent notice.

## **2. Providing Choice**

You should provide consumers with the ability to exercise choice with respect to the collection and use of data for OBA purposes, and the sharing of this data with other unaffiliated entities. An example of a mechanism that would satisfy the choice requirement is one that allows a user to stop the collection and use of data for OBA purposes.

In all cases, the choice mechanism should be easy to use.

You should provide consumers with a choice mechanism in at least one of three locations:

- In the notice on your Web Site regarding OBA practices linked to by an “enhanced notice link” placed “in” or “around” the advertisement or elsewhere on the page with agreement from the Web site operator;
- From your listing on [www.AboutAds.info](http://www.AboutAds.info) that provides a choice mechanism. This approach will be particularly useful for entities that do not place a link to a notice in or around the advertisement, or that are collecting data for OBA purposes on pages where they are not serving advertisements, or in situations where multiple Third Parties are collecting and using data from a single advertisement; or
- In instances where you are individually listed in the (First Party) Web site operator’s disclosure on the Web page where OBA data is collected, your choice

mechanism should be available in the notice information on your Web site linked to from the Web site operator's listing.

### **3. Maintaining Data Security**

You should maintain appropriate physical, electronic and administrative safeguards to protect the data collected and used for OBA purposes.

You should retain data that is collected and used for OBA only as long as necessary to fulfill a legitimate business need, or as required by law.

### **4. Changing Data Collection / Use Policies**

You should obtain consumer consent before making any material changes to your OBA data collection or use policies and practices. A material change might be a decision to use or share previously collected OBA data in a new way. A change that results in less collection or use of data would not be considered material for purposes of the *Principles*. Consent requires an individual's action in response to a clear, meaningful and prominent notice.

### **5. Refraining from the Collection of Sensitive Information**

You should not collect "personal information," as defined in the Children's Online Privacy Protection Act (COPPA), from children that you have actual knowledge are under the age of 13 or from sites directed to children under the age of 13 for OBA purposes, or engage in OBA directed to children that you have actual knowledge are under the age of 13 except as compliant with the COPPA.

In addition, you should obtain consent before collecting financial account numbers, Social Security numbers, pharmaceutical prescriptions or medical records related to a specific individual for OBA purposes. Consent requires an individual's action in response to a clear, meaningful and prominent notice.

### **Questions?**

This Implementation Guide includes a detailed set of Frequently Asked Questions and answers regarding the entire scope of this industry-wide program. Additional information is also available online at [www.AboutAds.info](http://www.AboutAds.info). Third Parties might find the following FAQs of particular interest:

- Why did the leading marketing and advertising trade associations develop the self-regulatory Principles for online behavioral advertising?
- What is the Advertising Option Icon? What does it mean?
- What is [www.AboutAds.info](http://www.AboutAds.info)? How does it work?
- I am engaged in collecting and using data for OBA purposes across multiple, non-affiliated Web sites. What do the Principles indicate that I should do?
- Do the Principles provide requirements for Third Parties to provide consumers with choice?
- If an entity is collecting OBA data from a Web page, but not serving advertisements based on that data, is it required to comply with the Principles?
- Do the Principles impose specific data security standards?