

Self Regulatory Principles for Online Behavioral Advertising Implementation Guide

– “First Party” Responsibilities –

What is a “First 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 First Party is defined as “the entity that is the owner of the Web site or has Control over the Web site with which the consumer interacts and its Affiliates.” In short, a first party is a Web site publisher or operator.

In order to fully understand the responsibilities of First 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 First Parties?

You have identified yourself as a First Party, which means that you operate Web sites and/or exercise control over other affiliated sites. As an example, you may publish an online magazine or operate an online retail site.

[NOTE: If your company engages in OBA on a non-affiliated Web site, then you may also be a Third Party and you should also comply with the sections of the *Principles* and this Implementation Guide directed to “Third Parties” engaged in those activities.]

The *Principles* do not apply to the data collection and use practices you employ on your own site – for your own purposes – or on other sites over which you exercise direct control for your own or an affiliated site’s purposes.

If Third Parties, such as advertising networks, collect or use OBA data on your site, the *Principles* assign responsibilities for consumer transparency and control concerning OBA practices to those Third Parties (i.e., the entity collecting the data for OBA purposes is responsible for complying with this aspect of the *Principles*). However, Third Parties engaged in OBA activities on your site will in many instances require your agreement, and sometimes your direct cooperation, in order to comply. In addition, if Third Parties operating on your site do not provide enhanced notice as required by the *Principles*, then you should provide the notice.

To ensure compliance with the following requirements, it may be preferable for both First and Third Parties to provide notice that makes consumers aware that OBA is occurring on the web site and provide consumers with a means to exercise choice regarding the



collection and use of their data for OBA purposes. In addition, First Parties should obtain consumer consent before materially changing their OBA data collection and use policies.

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

1. Providing Consumer Transparency

As a First Party operating a Web site on which Third Parties collect and use data for OBA purposes, you share responsibility for ensuring that a clear, meaningful and prominent link appears on any page on your Web site where OBA data is collected or used. This “enhanced notice link” should direct consumers to the proper disclosure notice required by the *Principles*.

Third Parties engaging in OBA activities on your site are encouraged to provide the enhanced notice link “in” or “around” the OBA advertisement or in another prominent location agreed to by you.

If any Third Party does not provide enhanced notice on any page of your site where it is collecting or using OBA data, then you should display a clear, meaningful and prominent enhanced notice link that directs consumers to a disclosure on your own Web site that:

- Links to the www.AboutAds.info website, where Third Parties engaging in OBA activities on your site have registered and are listed; or
- lists the Third Parties engaging in OBA activities at your site, including links to their own disclosures.

Any enhanced notice link provided by you should be distinct from the link to your own privacy policy.

If this disclosure is in your Web site privacy statement, your enhanced notice link should go directly to the relevant section of the statement where the disclosure is located.

Where a Third Party includes an appropriate link to its notice from a location in or around an advertisement or other permitted place on your Web page, you have no further disclosure requirements under the *Principles*. However, to ensure compliance with the requirements it may be preferable for both First and Third Parties to provide the enhanced notice.

Finally, your Web site should also indicate adherence to the *Principles*.

2. Changing OBA 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 OBA 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.

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. First 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? Where can I find it? How does it work?
- I am Web publisher and OBA activity occurs on my Web site. What do the *Principles* indicate that I should do?
- I am a Web publisher. If I use data collected across my family of affiliated Web sites for OBA purposes, do the *Principles* say I should do anything?
- Do the *Principles* impose specific data security standards?