

Self Regulatory Principles for Online Behavioral Advertising Implementation Guide

– Frequently Asked Questions –

What is online behavioral advertising (“OBA”)?

OBA is defined in the [Self-Regulatory Principles for Online Behavioral Advertising \(“Principles”\)](#) as the “collection of data from a particular computer or device regarding Web viewing behaviors over time and across non-affiliated Web sites for the purpose of using such data to predict user preferences or interests to deliver advertising to that computer or device based on the preferences or interests inferred from such Web viewing behaviors.”

Not all online advertising is considered OBA.

Do the *Principles* cover all online advertising?

No. The *Principles* cover only those activities that are defined as OBA.

As defined in the *Principles*, OBA does not include:

- Activities of First Parties (Web site publishers / operators) that are limited to their own sites or affiliated sites over which they exercise direct control.
- Contextual advertising, which is advertising based on the content of the Web page being visited, a consumer’s current visit to a Web page, or a search query.
- Ad reporting, the collection or use of information for statistical reporting, Web analytics/analysis and advertising metrics.
- Ad delivery, the distribution or delivery of online advertisements or advertising-related services using Ad Reporting data and not based on user preferences inferred from information collected over time and across non-affiliated Web sites.

Why did the leading marketing and advertising trade associations develop the *Self-Regulatory Principles for Online Behavioral Advertising*?

Leading marketing and advertising industry associations initiated a comprehensive, self-regulatory effort to develop and implement consumer-friendly principles and enforcement standards regarding OBA.

This collaborative, industry-wide effort was supported by the American Association of



Advertising Agencies (AAAA), the Association of National Advertisers (ANA), the Direct Marketing Association (DMA), the Interactive Advertising Bureau (IAB), and included the participation of the Council of Better Business Bureaus (CBBB), in response to the Federal Trade Commission's call to the advertising and media industry to develop self-regulatory principles and practices for OBA.

In July 2009, the Associations jointly released the [Self-Regulatory Principles for Online Behavioral Advertising](#) ("Principles"), which are intended to apply broadly to the diverse set of actors that work interdependently to deliver relevant advertising intended to enrich the consumer online experience. The *Principles* call for:

- **Education** for consumers and businesses about online behavioral advertising and the Principles.
- **Transparency** about data collection and use practices associated with OBA, providing consumers with clear, meaningful and prominent notice through multiple mechanisms.
- **Consumer Control** over whether data is collected and used or transferred for OBA purposes, provided through easy-to-use consumer choice mechanisms.
- Appropriate **Data Security** for, and limited retention of, data collected and used for OBA purposes.
- Obtaining consumer consent before a **Material Change** is made to an entity's OBA data collection and use policies unless that change will result in less collection or use of data.
- Limitations on the collection of **Sensitive Data** collected and used for OBA.
- **Accountability** for entities collecting and using data for OBA purposes, including mechanisms for enforcement of the Principles.

To learn more about the background of this self-regulatory initiative, please read the section on "What Everyone Needs to Know."

How do I know if the activities of my organization are covered by the *Principles*?

The *Principles* apply only to those entities engaged in OBA. Not all online advertising is considered OBA.

While the *Principles* are intended to apply broadly across a wide range of marketing and media entities, they focus on the three major types of entities that – working interdependently – deliver relevant advertising to specific computers or devices in ways that enrich the consumer online experience:

- **"First Parties"**: such as Web site publishers / operators;

- **“Third Parties”**: such as advertising networks and data companies (including ad exchanges and data aggregators) and in some cases advertisers; and
- **“Service Providers”**: such as any internet access provider, search engine, Web tool bar, browser, or other service that enables the provider to have access to all or substantially all URLs accessed by its users, that in the course of its activities as such a provider, collects and uses such user data for OBA.

An entity’s actions are governed by the respective *Principles* related to the particular role or roles it fulfills in collecting and using data for OBA purposes. For example, an entity can be a First Party through its provision of content or retail products on its Web site; can be a Third Party through serving advertisements on multiple unaffiliated Web sites as an ad network or data company or in some cases an advertiser; and can serve as a Service Provider by providing services such as an Internet access Service Provider; offering desktop application software such as a toolbar where by virtue of such services the entity has access to all or substantially all URLs accessed by their users, and that in the course of such services collect and use such data for OBA. Each function would be separately subject to the relevant provisions of the *Principles*.

Please read the sections for First Parties, Third Parties and Service Providers in this Implementation Guide to learn more about the specific responsibilities and requirements for each type of entity under the *Principles*.

What is the Advertising Option Icon? What does it mean?

The Advertising Option Icon is a specific mark created by the participating trade associations that, together with approved wording, can be used by First Parties, Third Parties and Service Providers engaged in OBA to signify their adherence to the *Principles*.

Third Parties serving behavioral advertising will use this icon in or around advertisements, or on the Web pages where data is collected and used for behavioral advertising. The icon will link to a clear disclosure statement regarding the data collection and use practices associated with that ad and an easy to use consumer choice option. Web pages where OBA data is collected can also use the Advertising Option Icon, or another clear, meaningful and prominent notice, to link to the disclosures and choice options provided by the principles.

The Advertising Option Icon and approved wording can be acquired at www.AboutAds.info.

What is www.AboutAds.info ? How does it work?

Leading marketing and advertising industry associations have joined to create this one-stop Web site, where consumers can gain detailed knowledge about online behavioral advertising and conveniently opt-out of some or all participating companies’ online behavioral ads, if they choose. Entities engaged in the collection and use of data for OBA purposes can also register to participate in the choice mechanism and acquire the Advertising Option Icon on the site.

Many companies engaged in OBA, or on whose pages OBA data is collected or OBA ads are served, will link to this Web site.

Consumers using the Web site can choose to stop receiving OBA from a specific company listed to the page, or from all the participating companies.

The Web site can be found at www.Aboutads.info.

I am Web publisher and OBA activity occurs on my Web site. What do the Principles indicate that I should do?

In this capacity, you are acting as a First Party. Please read the section on First Party Responsibilities in this Implementation Guide closely and comply with all of the requirements discussed there.

In short, to ensure compliance with the Principles 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.

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?

In this capacity, you are acting as a First Party. Please read the section on First Party Responsibilities in this Implementation Guide closely and comply with all of the requirements discussed there.

In short, the *Principles* do not apply to the activities of First Parties (i.e., Web site publishers / operators) when Web viewing data is collected and used from your own site or across affiliated sites over which you exercise control. However, if you collect or allow others to collect OBA data from your Web site for advertising on non-affiliated Web sites, then you should in cooperation with Third Parties share in the work of complying with the *Principles* for those activities.

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?

In this capacity, you are acting as a Third Party. Third Parties may include Advertising networks, data companies (including ad exchanges and data aggregators) and in some cases advertisers are examples.

Please read the section on Third Party Responsibilities in this Implementation Guide closely and comply with all of the requirements discussed there.

The services that I provide enable me to have access to all or substantially all URLs accessed by my users and, in the course of my activities, I collect and use such user data for OBA purposes. What do the Principles indicate that I should do?

In this capacity, you are acting as a Service Provider. Service Providers may provide Internet access, search capabilities, Web tool bars, Internet browsers, desktop applications, software or other similar services.

Please read the section on Service Provider Responsibilities in this Implementation Guide closely and comply with all of the requirements discussed there.

Do the *Principles* provide requirements for Third Parties to provide consumers with choice?

Yes, the *Principles* state that a Third Party should provide consumers with the ability to exercise choice with respect to the collection and use of data for OBA purposes, and the transfer of data to unaffiliated entities for OBA purposes. Please read the section on Third Party Responsibilities in this Implementation Guide closely and comply with all of the requirements discussed there.

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*?

Yes. The *Principles* define OBA as the practice of collecting data from a particular computer or device regarding Web viewing behaviors over time and across multiple, unaffiliated Web sites. Even if that data is not currently being used for the purpose of targeting the delivery of advertisements, the practice should be disclosed in accordance with the *Principles* and the remainder of the requirements still apply.

Do the *Principles* impose specific data security standards?

Yes. The *Principles* require all entities to maintain appropriate physical, electronic and administrative safeguards to protect the data collected and used for OBA purposes. The *Principles* also require all entities to 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.

The *Principles* also set forth steps that a Service Provider should take to de-identify OBA data they collect and use for OBA, disclose the de-identification process, help preserve the de-identified status of interest-based online data that is shared with unaffiliated entities, to safeguard the data and to be held accountable for the use of such data. Please read the section on Service Provider Responsibilities in this Implementation Guide closely and comply with all of the requirements discussed there.

Do the *Principles* limit the collection of Sensitive Data?

Yes. The *Principles* place the following limitations on the collection of Sensitive Data:

- Entities should not collect “personal information”, as defined in the Children’s Online Privacy Protection Act (“COPPA”), from children they have actual knowledge are under the age of 13 or from sites directed to children under the age of 13 for OBA, or engage in OBA directed to children they have actual knowledge are under the age of 13 except as compliant with COPPA.
- Entities should not collect and use financial account numbers, Social Security numbers, pharmaceutical prescriptions or medical records about a specific individual for OBA without Consent.

Do the *Principles* provide for accountability and enforcement mechanisms?

Yes. Both the CBBB and the DMA will play roles in ensuring compliance and enforcement of the Program. All DMA members – as a condition of membership – are required to comply with program’s provisions. The CBBB and DMA will utilize a monitoring technology platform to foster accountability among participating companies with respect to the Transparency and Control requirements of the Principles, as well as manage consumer complaint resolution.