

# Self Regulatory Principles for Online Behavioral Advertising Implementation Guide

## – “Service Provider” Responsibilities –

### What is a “Service Provider”?

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 Service Provider is defined as “an entity that collects and uses data from all or substantially all URLs traversed by a web browser across Web sites for OBA purposes in the course of the entity’s activities as a provider of Internet access service, a toolbar, an Internet browser, or comparable desktop application or client software and not for its other applications and activities.” In short, Service Providers may provide Internet access, search capabilities, Web tool bars, Internet browsers, desktop applications, software or other similar services.

In order to fully understand the responsibilities of Service Providers 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 Service Providers?

You have identified yourself as a Service Provider, which means that the service you provide enables you to have access to all or substantially all URLs accessed by your users and that in the course of your activities as such a provider, you collect and use such user data for OBA purposes. As an example, you may provide Internet access service or desktop application software such as browsers or Web tool bars.

**[NOTE:** If your company also acts as a Web site operator (a “First Party” under the *Principles*) and hosts online behavioral advertising on its Web site, or if it also engages in OBA on non-affiliated Web sites by means of a relationship with an advertising network or data company (a “Third Party”), the *Principles* may impose additional requirements on your activities. You should also review the sections of the *Principles* and this Implementation Guide directed to those types of entities.]

In your capacity as a Service Provider, 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. Obtain consumer consent for collecting and using data for OBA purposes and provide an easy-to-use method to withdraw such consent;
3. Provide appropriate security for, including limiting the retention of, the data you collect and use for OBA purposes and take appropriate steps to help preserve the de-identified status of data collected and used for OBA;
4. Obtain consumer consent before materially changing your OBA data collection and use policies; and
5. Limit the collection of certain sensitive information for OBA purposes.

Below is a detailed explanation of each of these requirements.

### **1. Ensuring Transparency**

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*.

### **2. Obtaining Consent, Providing Choice**

The *Principles* require that you obtain a consumer's consent **prior to** collecting and using data for OBA purposes. Under the *Principles*, the term "consent" means an individual's action in response to a clear, meaningful, prominent notice regarding the collection and use of data for OBA purposes. The consent requirement applies to you only when engaging in OBA activities in your capacity as a Service Provider (i.e., if you are also engaging in OBA activities as a First Party or Third Party, different requirements apply when you are acting in those capacities).

Once you have obtained consent to collect and use data for OBA purposes, you should provide consumers with an easy-to-use choice mechanism to withdraw their consent for the collection and use of that data for OBA purposes.

### **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.

The *Principles* identify the following four additional steps that you should take regarding data collection and use when you are engaged in OBA:

- Alter, randomize or make anonymous (e.g., through “hashing” or substantial redaction) any personally-identifiable information or unique identifiers in order to prevent your data from being reconstructed into its original form in the ordinary course of business;
- Disclose the circumstances in which data that is collected and used for OBA is subject to the above process;
- Take reasonable steps to protect the non-identifiable nature of your data if it is distributed to unaffiliated entities by not disclosing the algorithm or other mechanism you utilize for randomizing or making it anonymous. In addition, obtain written assurance that such entities will not attempt to re-construct your anonymous data and will only use or share it for an agreed purpose, such as OBA, that was specified to consumers during the process to obtain their initial consent. This assurance is considered met if another entity, by contract, does not have the right to use your data for its own purposes; and
- Take reasonable steps to ensure that any unaffiliated entity that receives your anonymous data will itself ensure that further unaffiliated entities to which your data is disclosed also agree to the restrictions and conditions you are imposing. This requirement is also considered met if such unaffiliated entities, by contract, do not have the right to use your data for their own purposes.

#### **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.

In addition, you should obtain consent before collecting financial account numbers, Social Security numbers, pharmaceutical prescriptions or medical records related to a specific individual. 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). Service Providers 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 [www.AboutAds.info](http://www.AboutAds.info) ? How does it work?
- 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?
- 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?