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CONTACT: Nat Wood, 410-507-7898, media@networkadvertising.org

NAI Releases Best Practices to Cover Ad Information Used for Research, Public Health, Law Enforcement & Other Uses

Aggregate and De-identified Data can be a Valuable Resource for Public Good

WASHINGTON, DC (June 23, 2020) - The Network Advertising Initiative (NAI) released privacy [Best Practices](#) for its members to follow if they use data collected for Tailored Advertising or Ad Delivery and Reporting for non-marketing purposes, such as sharing with research institutions, public health agencies, or law enforcement entities.

"Ad tech companies have data that can be a powerful resource for the public good if they follow this set of best practices for consumer privacy," said Leigh Freund, NAI President and CEO. "During the COVID-19 pandemic, we've seen the opportunity for substantial public health benefits from sharing aggregate and de-identified location data."

The NAI Code of Conduct - the industry's premier self-regulatory framework for privacy, transparency, and consumer choice - covers data collected and used for Tailored Advertising or Ad Delivery and Reporting. The NAI Code has long addressed certain non-marketing uses of data collected for Tailored Advertising and Ad Delivery and Reporting by prohibiting any eligibility uses of such data, including uses for credit, insurance, healthcare, and employment decisions.

The NAI has always firmly believed that data collected for advertising purposes should not have a negative effect on consumers in their daily lives. However, over the past year, novel data uses have been introduced, especially during the recent health crisis. In the case of opted-in data such as Precise Location Information, a company may determine a user would benefit from more detailed disclosure in a just-in-time notice about non-marketing uses of the data being collected.

The NAI publication, "[Best Practices: Using Information Collected for Tailored Advertising or Ad Delivery and Reporting for Non-Marketing Purposes](#)," recommends that:

1. Just-in-time notices at the point of collection for material uses should disclose the proposed use of the information and with whom the data will be shared. The NAI follows the Federal Trade Commission's guidance on what is a "material" consideration - is it likely to affect the consumer's conduct or decision regarding a product or service?
2. Aggregate or de-identified data should be used for non-marketing use cases whenever possible.

3. Companies should extend privacy-protective NAI Code requirements to the use of information collected for Tailored Advertising or Ad Delivery and Reporting when used for non-marketing purposes. Key privacy-protective measures include data minimization, use limitations, transfer restrictions, and reasonable security.

These new non-marketing uses fall outside the scope of the NAI's traditional self-regulatory role, and as such are not currently intended for enforcement. However, the NAI recommends that companies consider all three best practices when using data that was obtained for Tailored Advertising or ADR, particularly if was obtained through affirmative Opt-In Consent - determining if a use case may be material in a consumer's decision to share data, transferring data to unaffiliated parties in the most privacy-protective manner, and placing restrictions and protections on downstream use of the data.

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About the NAI

The NAI is a non-profit organization and the leading self-regulatory association dedicated to responsible data collection and its use for third-party digital advertising. Since 2000, we have been working with the leaders in online advertising to craft industry standards and policies to promote consumer privacy and trust in across the digital advertising ecosystem. Almost every Internet ad served in the United States involves the technology of one or more of the NAI's over 100 member companies. Together, these companies form the backbone of the thriving and diverse market of ad-supported free content and services. Additional information can be found at networkadvertising.org.