A CCPA Q&A WITH TAG MANAGEMENT VENDORS

Webinar No. 1 of IAB's Privacy Law Webinar Series

April 24, 2020

Alan Friel, Partner, BakerHostetler LLP

Agenda:

- Opening remarks
- IAB CCPA Compliance Framework
- Speaker Presentations
- Open Discussion and Q&A
- Michael Hahn Concludes Webinar

Speakers

SPEAKER NAME	COMPANY	EMAIL ADDRESS
Alan L. Friel	BakerHostetler	afriel@bakerlaw.com
Stephanie Hanson	OneTrust	shanson@onetrust.com
Michael Williams	Clym	michael@clym.io.com
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Ted Sfikas	Tealium	ted.sfikas@tealium.com
Jawad Stouli	Didomi	jawad.stouli@didomi.io
Michael Hahn	IAB, IAB Tech Lab & TAG	Michael.Hahn@iab.com
Alex Cone	IAB Tech Lab	alex.cone@iabtechlab.com

CCPA Obligations

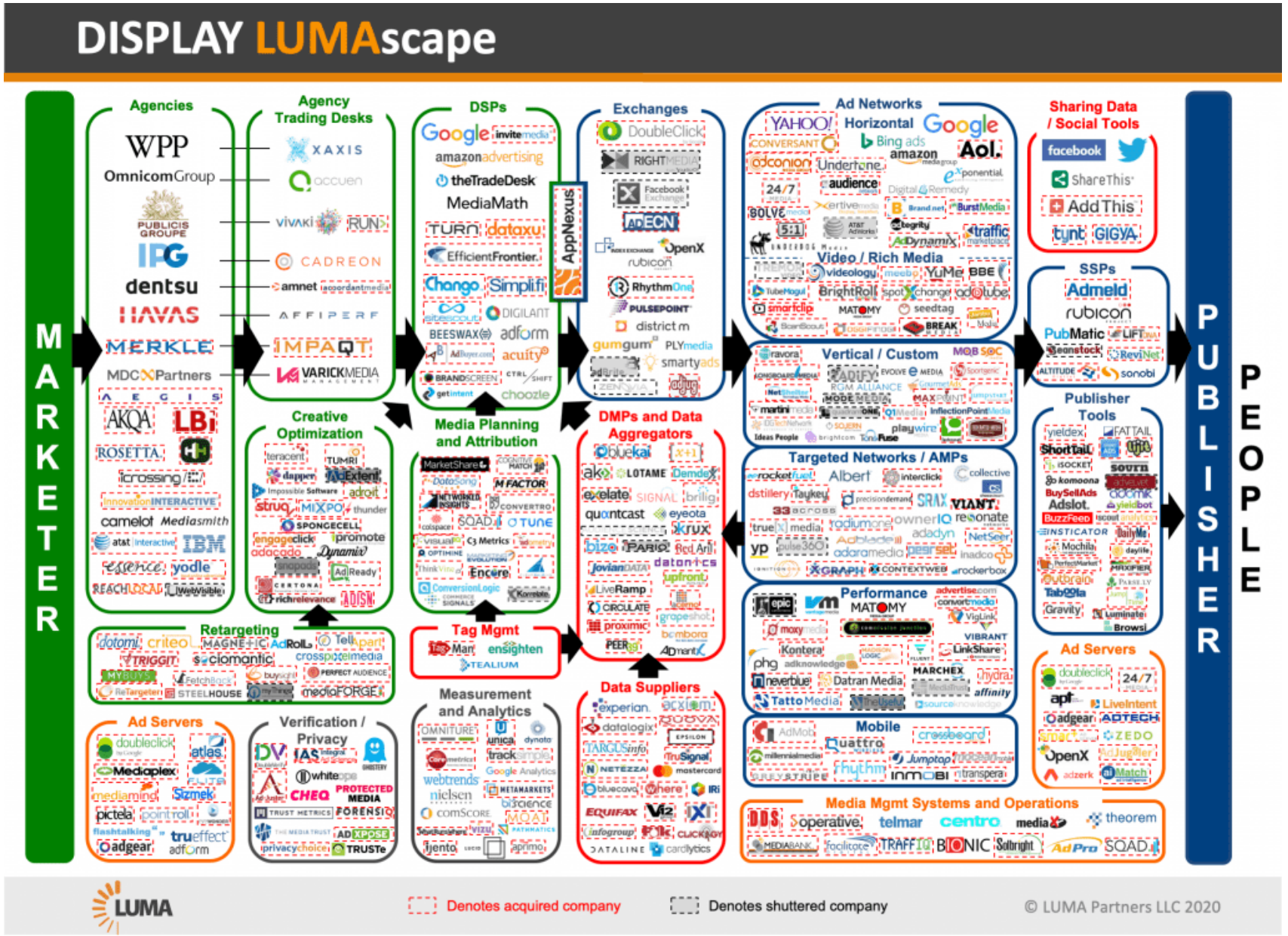
- **“Business”** ... collects PI and alone or with others “determines the purposes and means of processing”
  - Must give pre-collection notice, and if it “sells” notice of how to opt-out (i.e., “do not sell my info”)

- **“Sell”** … “releasing, disclosing, disseminating, making available or otherwise communicating…” PI, except:
  - to a qualified **“service provider”** contractually limited
  - at direction of user with no downstream sale
  - to effectuate the opt-out
  - M&A transactions

Digital Ad Challenges

- Auctions Occur Every Page Load = Sell “Ask”
  - w/ Device ID and potentially user interest info
- Exchanges Connect Buyers and Sellers
  - connecting DSPs and SSPs
  - may have additional information available about the user
- Advertisers “Real Time” Bid
  - may themselves have IBA data
- Ad Delivered to Highest CPM in .35 seconds
- Payment Settled
- IBA Data Distributed (Third Party Data)
- Segments and Profiles Built to Increase Efficiency

Complex Inter-Connected Ecosystem



IAB Opt-Out Is Not Opt-Out Of Sale

- DAA and NAI created transparency and choice self-regulation to provide opt-out from receiving IBA
- Choice limits targeting uses only
  - Pre-CCPA solution
- DNS limits the downstream flow of PI unless exempt from sale (e.g., service provider w/ limited use)
- Industry solutions
- Cookie Consent
  - Opt-in vs Opt-out
  - Kills data flow as opposed to limiting use

Michael Hahn, SVP & General Counsel, IAB, IAB Tech Lab

Alex Cone, Senior Director, Product Management, IAB Tech Lab

IAB CCPA Compliance Framework: Overview

- Creates trust between publishers of pages and ad tech companies that each are meeting their CCPA obligations.
  - Necessary in RTB transactions

- The trust is forged through a Limited Service Provider Agreement for industry participants to sign onto.
  - Over 250 companies have signed on
  - Eliminates the need for publishers/advertisers and downstream participants to enter into individual agreements when they choose to “sell”
  - Rights and obligations under the agreement apply to companies only in connection with transactions in which they are actually involved
  - Complete limitation of financial liability for breach
  - Nonfinancial recourse for breach

IAB CCPA Compliance Framework: Obligations

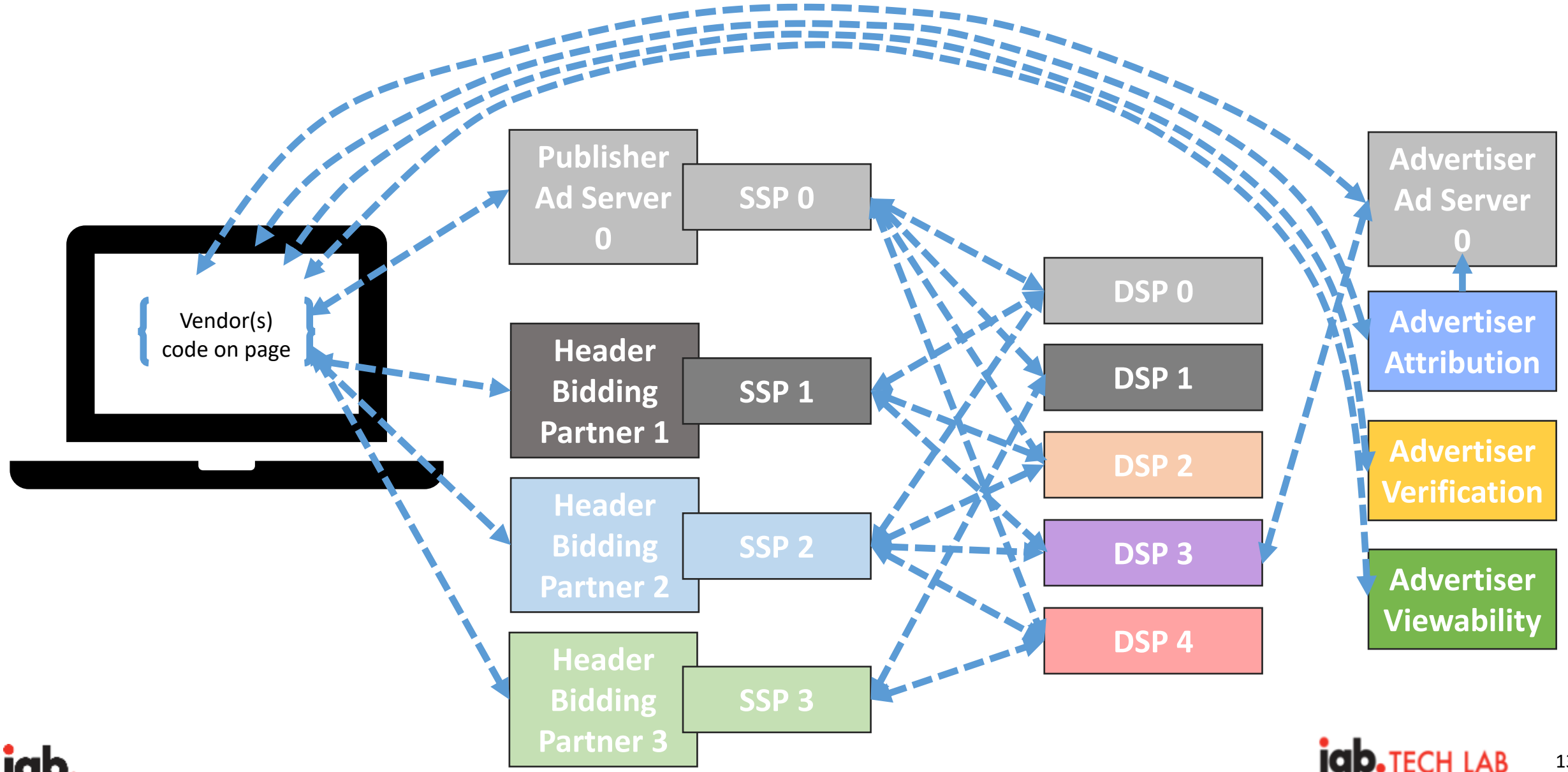
- Obligations of Publishers of Pages
  - Undertake reasonable efforts to identify California consumers
  - Explicit notice
  - Do not sell link
  - Send signals

- Obligations of Adtech Companies
  - Limited service provider status when the consumer opts out
  - Pass of signals
  - Restrictions on data usage
  - Use of sub-providers

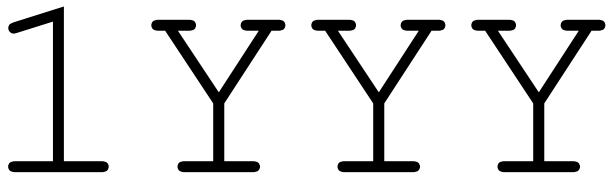
IAB CCPA Compliance Framework: Use Limitations

	Auditing	Security/Fraud	Debugging	Short-Term Transient Use	Maintaining or Servicing Accounts	Customer Service	Processing or Fulfilling Orders and Transactions	Verifying Customer Information	Processing Payments	Providing Financing	Providing Advertising or Marketing Services	Providing Analytic Services	Providing Similar Services	Internal Research	Quality/Safety
Digital Advertising Activities	**CCPA Business Purposes**														
Store and/or access information on a device	Y	Y	Y	Y	N	N	Y	N	N	N	Y	Y	N	N	N
Select basic Ads	N	Y	Y	Y	N	N	Y	N	N	N	Y	N	N	N	N
Create a personalised Ads profile	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Select personalised Ads	N	Y	Y	Y	N	N	Y	N	N	N	Y	N	N	N	N
Create a personalised content profile	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Measure Ad performance	Y	Y	Y	N	N	N	Y	N	N	N	Y	Y	N	N	N
Apply market research to generate audience insights	Y	Y	Y	N	N	N	N	N	N	N	Y	Y	N	Y	N
Technically deliver Ads	N	Y	Y	Y	N	N	Y	N	N	N	Y	N	N	N	N

IAB CCPA Compliance Framework: Why Do We Need a Standard Signal?



IAB CCPA Compliance Framework: US Privacy String Examples

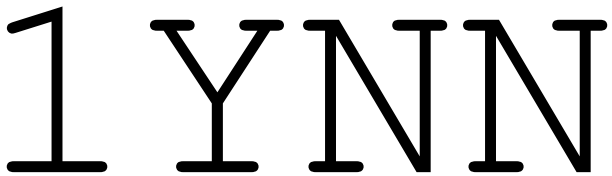


Version 1

Notice provided

User **opted out** of sale

Transaction **is** covered by LSPA

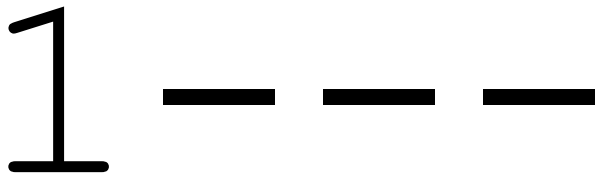


Version 1

Notice provided

User **did not out** of sale

Transaction **not** covered by LSPA



Version 1

Not applicable

Not applicable

Not applicable

IAB CCPA Compliance Framework: US Privacy Learn More

To Sign Onto the Limited Service Provider Agreement: https://www.iabprivacy.com/

To Learn More About Technical Specifications: github.com/InteractiveAdvertisingBureau/USPrivacy

Arlo Gilbert, CEO & Co-Founder, Osano

osano

Compliance Made Easy.

Exclusive Consent Management Partner for:

exterro + Jordan Lawrence™

The Osano Platform.

Management

Consent Management

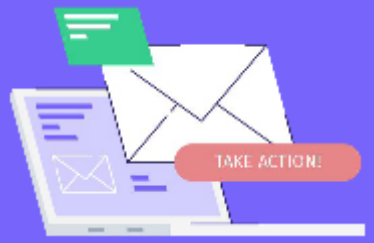
Subject Rights Management

Monitoring

Policy Change Detection

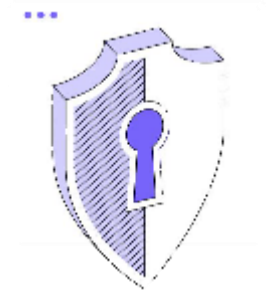
Vendor Risk Monitoring

Vendor Lawsuit Alerts



Privacy Law Alerts

Advisory & Legal



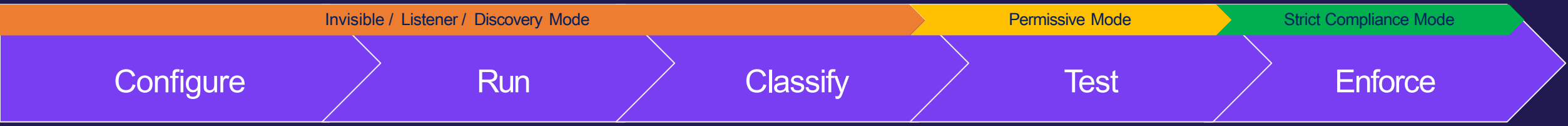
GDPR Representative

Ask a Privacy Expert

Developer API

PII Tracking API

Consent Management Workflow.



Create a configuration &install osano.js on the website.

This requires engaging the internal web development or CMS manager. In rare cases the web development is managed by a 3rd party (e.g. PR firm or web host)

The osano.js tag reports home to Osano servers on every single page load in real time.

Included in this report:

- Cookies
- Scripts
- 3rd Parties

Work with internal stakeholders in marketing, compliance, and web dev to determine appropriate classification for each 3rd party, cookie, and script.

Automated classification rules require acceptance before going live.

Publish Osano in permissive mode to either a staging server or live website.

Verify site functionality and cookie blocking for classified entities.

Publish Osano in strict mode to the live website to enforce a zero-trust compliance environment.

Unsanctioned cookies and 3rd parties are blocked. Categorized scripts &cookies only load once the appropriate consent is granted.

IAB Signaling Enabled

Osano by the Numbers.

3,500,000
Websites

11,000+
Vendors

osano

Certified B Corporation PENDING

Data Privacy and Compliance Made Easy.

+1 (512) 842-6730

www.osano.com

presales@osano.com

Stephanie Hanson, Offering Manager, OneTrust

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Do You Sell Personal Information?

Sale = Monetary or **Valuable Consideration**

OPT-OUT OF SALE FOR ADTECH

- Opt-out of 3rd party trackers and advertising technologies that don't meet the service provider exemption
- Unidentified individuals

OPT-OUT OF SALE FOR BROADER USE CASES

- Opt-out of other processes involving sale such as co-marketing partnerships, list rentals, and more
- Identified Individuals

Two common workstreams to implement CCPA Opt-Out of Sale

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Solutions for Publishers

CMP

Consent Management Provider for Web, Mobile, AMP and OTT

PRIVACY RIGHTS

Streamline the Fulfillment of Opt-Outs, Deletion and Data Access Requests

CROSS-DEVICE MANAGEMENT

Improve the User Experience by Syndicating Preferences across Devices

FIRST PARTY DATA CAPTURE

Build Trust and Transparency with Direct Data Capture from your Audience

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ONETRUST #1 IN MARKET SHARE

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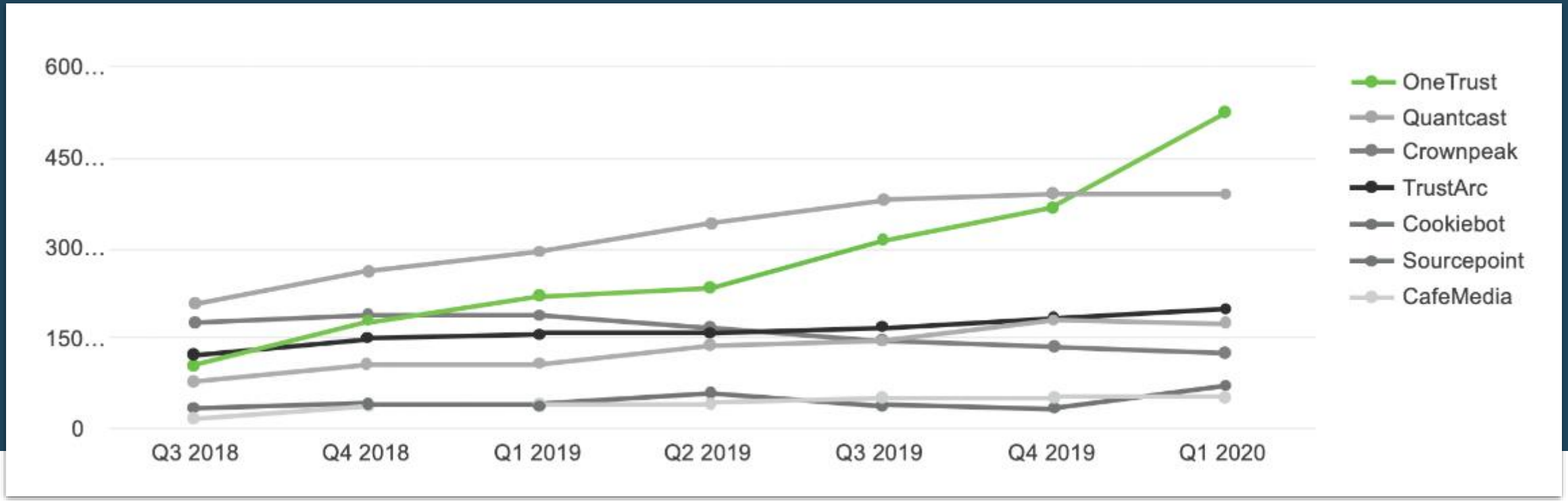
Adzerk Top CMPs Over Time

Top IAB CMPs since Q3 2018



Source: Adzerk Consent Management Platform (CMP) 2020 Tracker
https://adzerk.com/cmp/

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OneTrust Consent For Publishers

1 AUDIT SITES, APPS & 3RD PARTIES

- Scan Sites and Apps
- Leverage IAB TCF Global Vendor List
- Identify & Manage 3rd Parties

2 BUILD UX WITH IAB TEMPLATES

- Leverage Pre-Built Templates for IAB TCF and IAB CCPA
- Use Pre-Translated Resources
- Apply Custom Styling

3 ACTIVATE GEOLOCATION CAPABILITIES

- Switch Between IAB Frameworks Based on Location
- Maximize Compliant Consent and Ad Revenue

4 DEPLOY & INTEGRATE WITH 3rd PARTIES

- Roll Out IAB Support In Minutes
- Implement Direct Vendor APIs
- Integrate NAI and DAA Frameworks

5 ONGOING MONITORING & REPORTS

- A/B Test To Optimize Opt-In Rates
- Maximize Ad Revenue
- Automate Regular Audits

SITE & APP INTEGRATIONS

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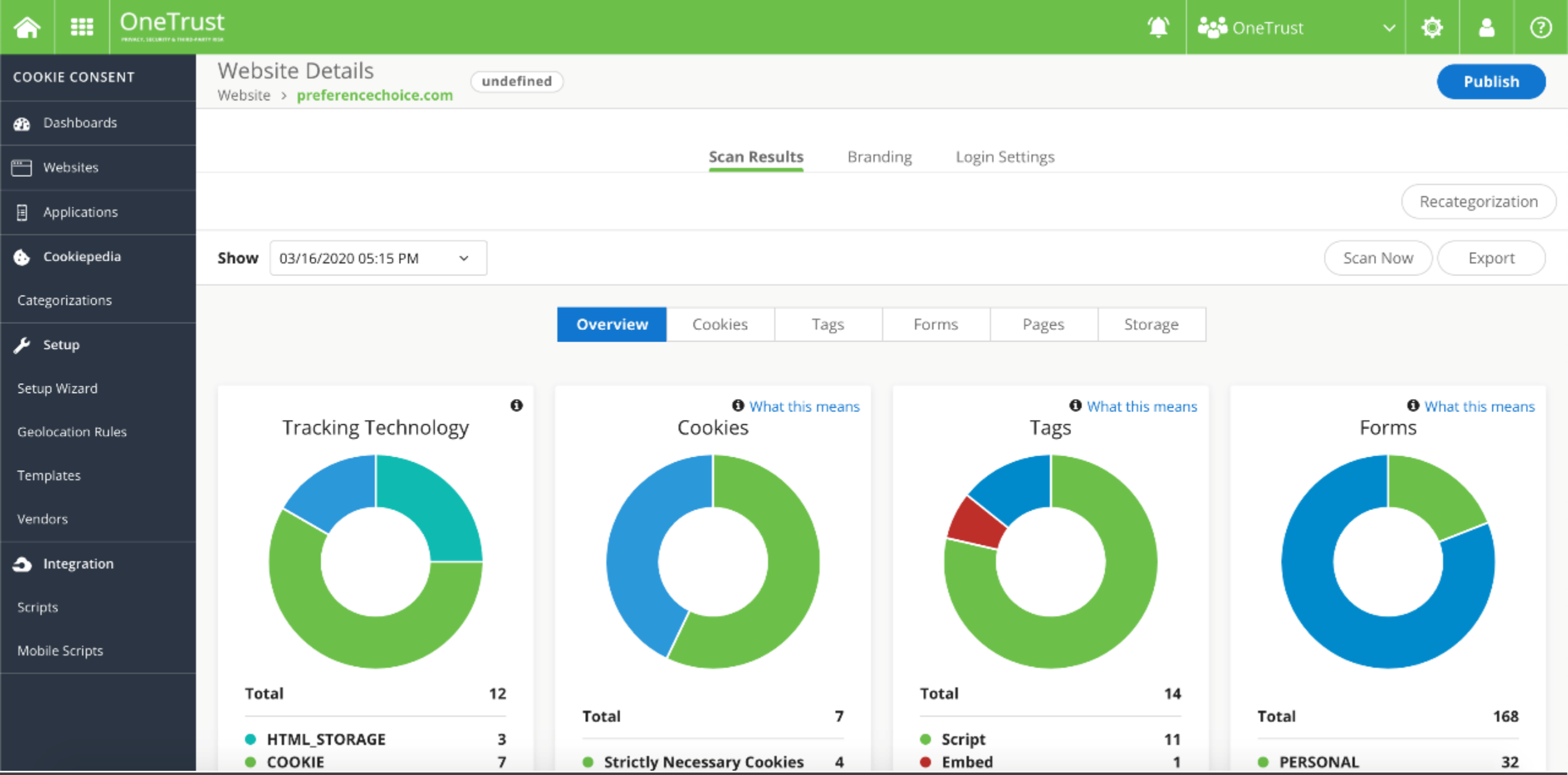

Identify and Manage Third Parties

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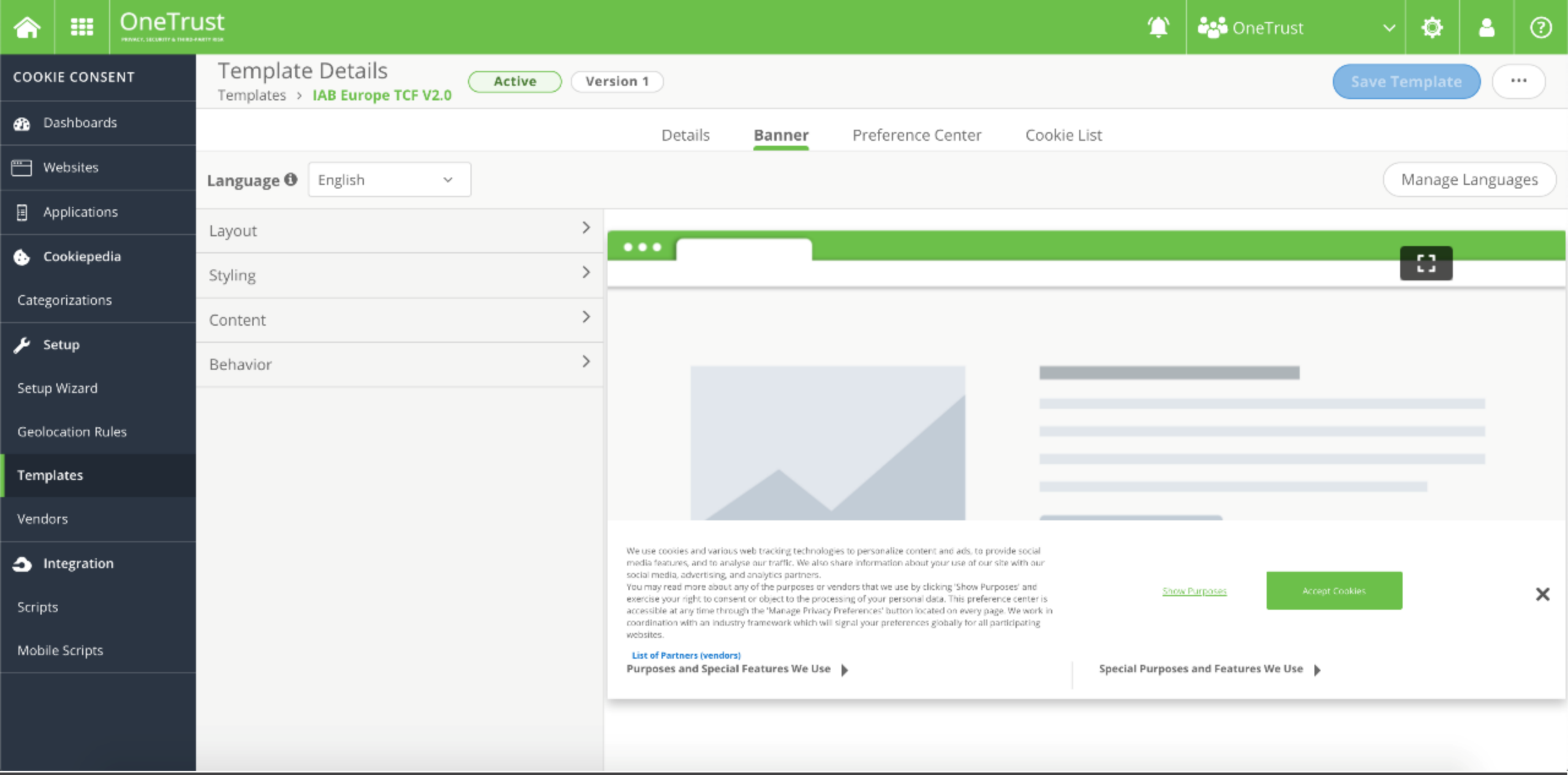

Apply Custom Styling

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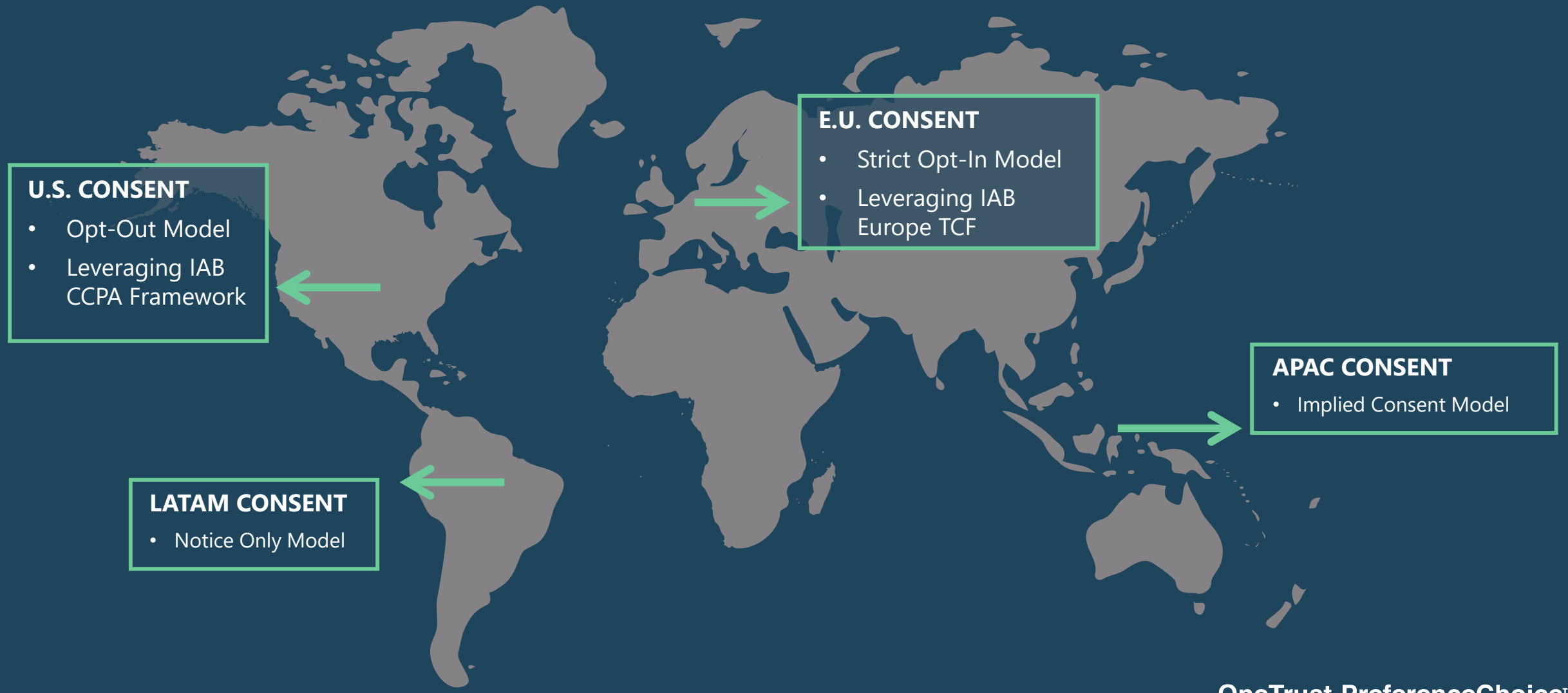
Configurable Geolocation-Based Consent Model



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Configure Consent Approaches in Practice

Notice Only	Opt-out Consent	Implied Consent	Opt-in Consent
Process personal information and inform visitors Suitable for some jurisdictions	Allow visitors to opt-out at any time Aligned with the IAB CCPA Compliance Framework iab. TECH LAB	Only process and share essential information Process and share information with ad-tech partners if visitors keep browsing	Process and share information when users opt-in Aligned with the IAB Europe TCF iab europe

Different Jurisdictions Have Different Requirements

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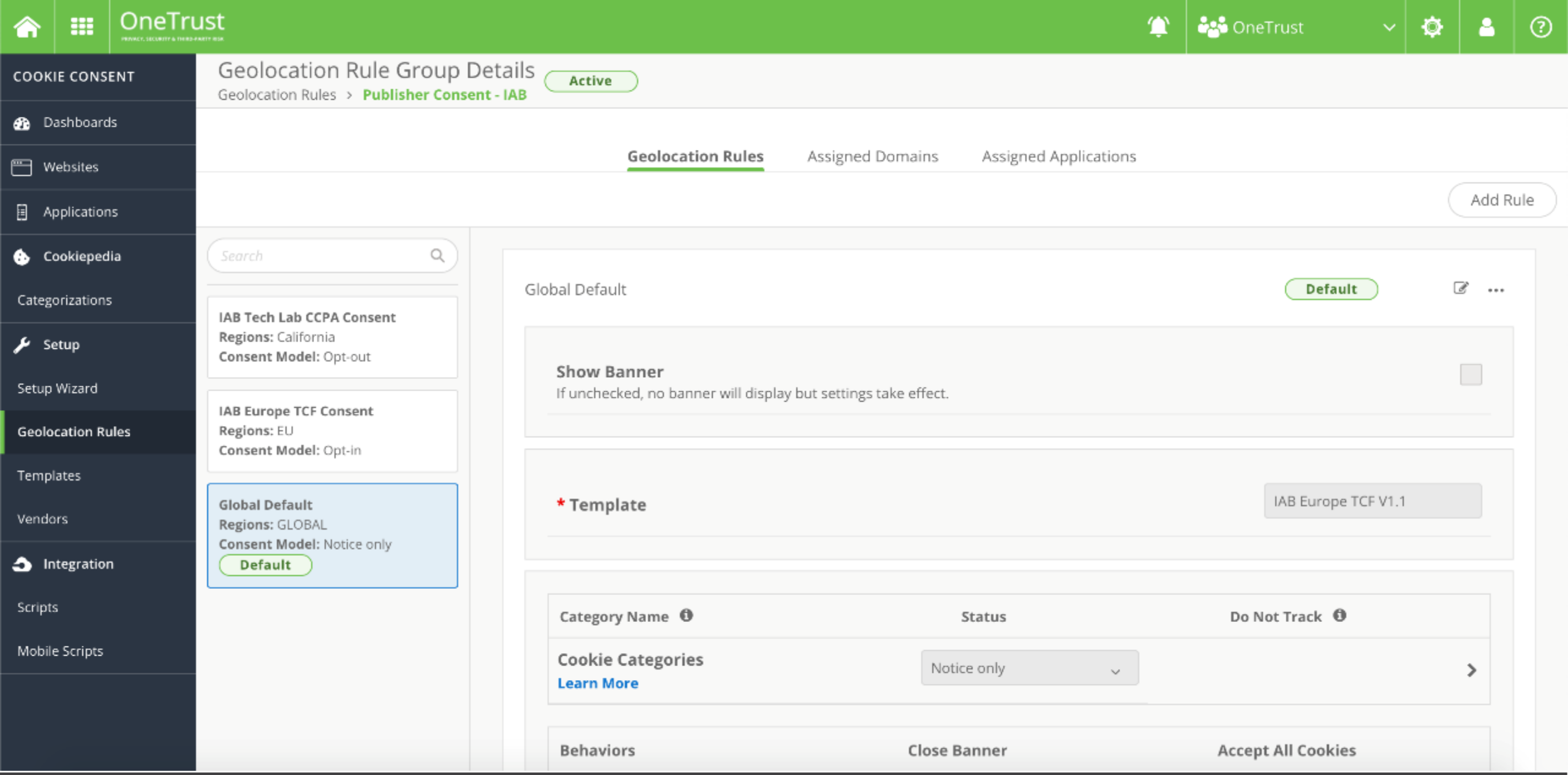

Automatically Drive CMP Functionality Based on Visitor Location

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Opt-Out of Sale for AdTech

Configured in OneTrust CMP

Embedded Link

Vendor Specific APIs

Block Trackers Directly

Integrated Standards

Other Recognized Standards

Deployed Across Web, Mobile & OTT

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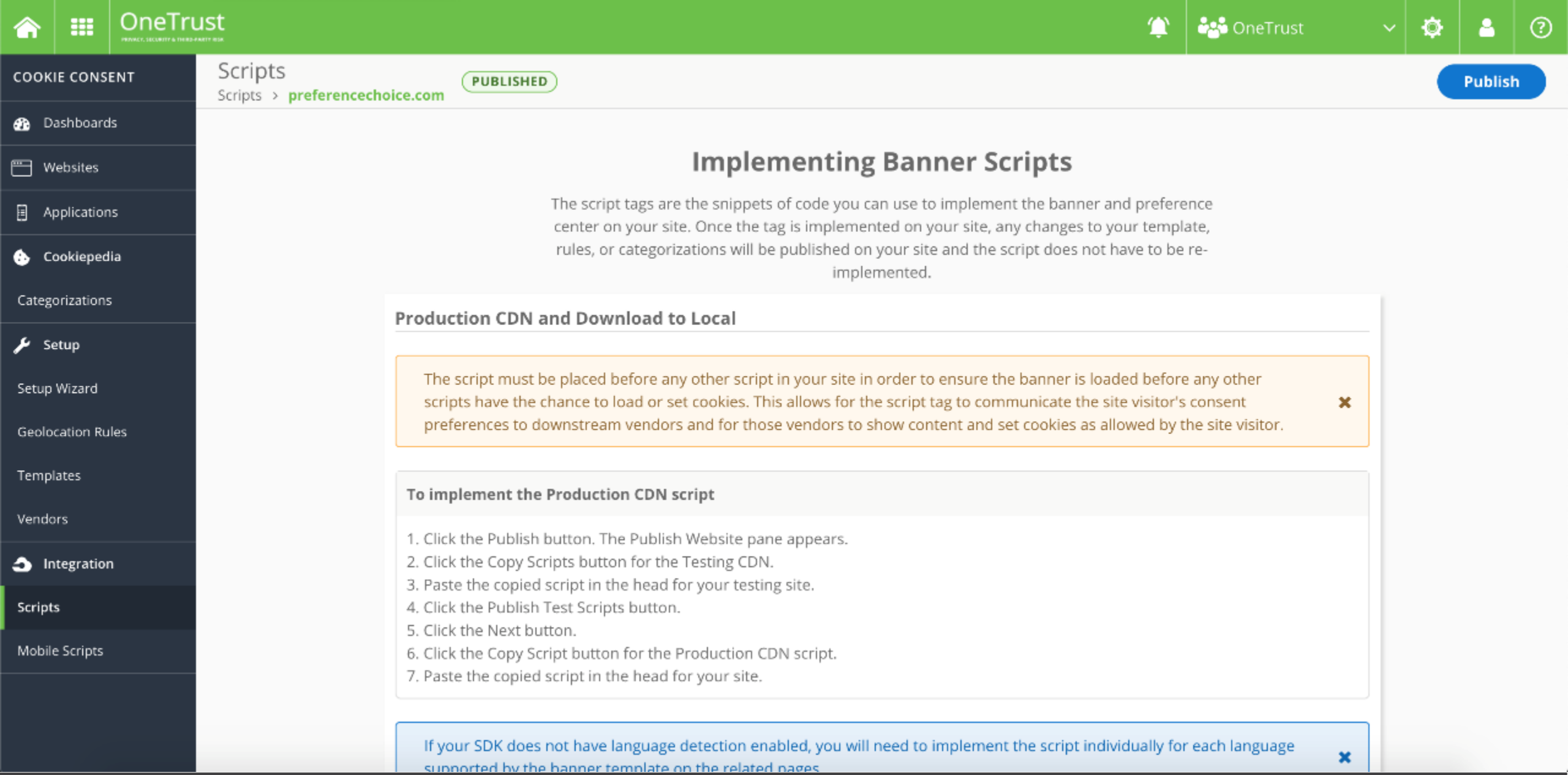

Manage Deployment Scripts for Web Properties

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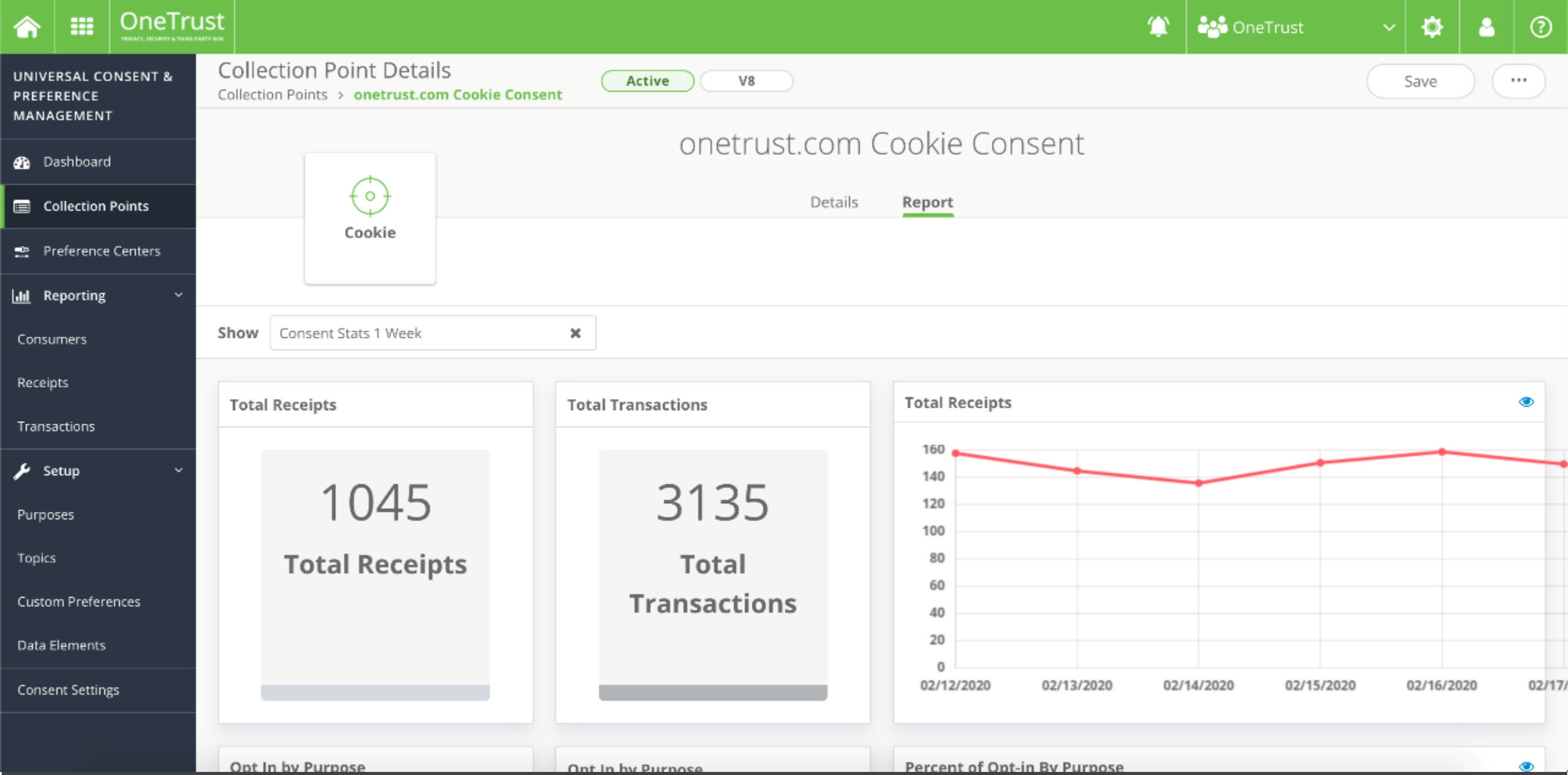
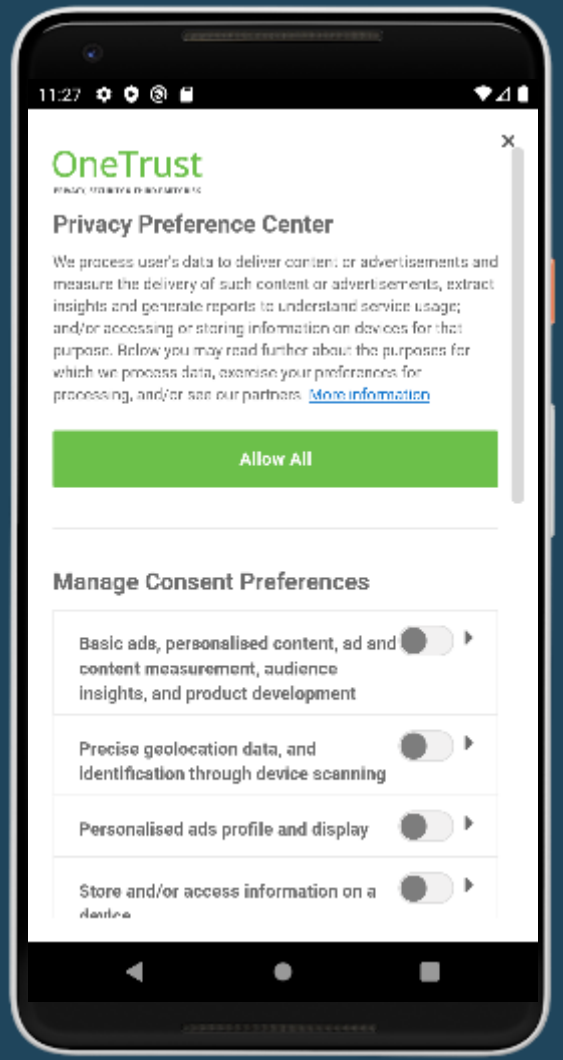
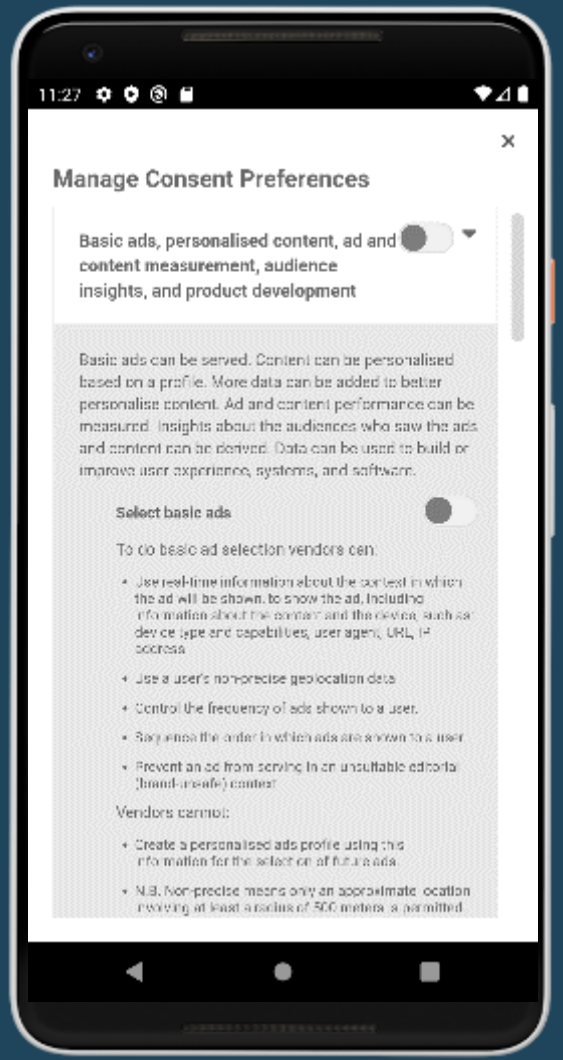


Monitor to Optimize Consent Rates

Fully Supported on iOS and Android





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Thank You

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Ted Sfikas, Regional VP, Solutions Consulting, Tealium

CCPA Consent Manager

Functionality for Opt-Out, Channel Preferences and IAB Integration

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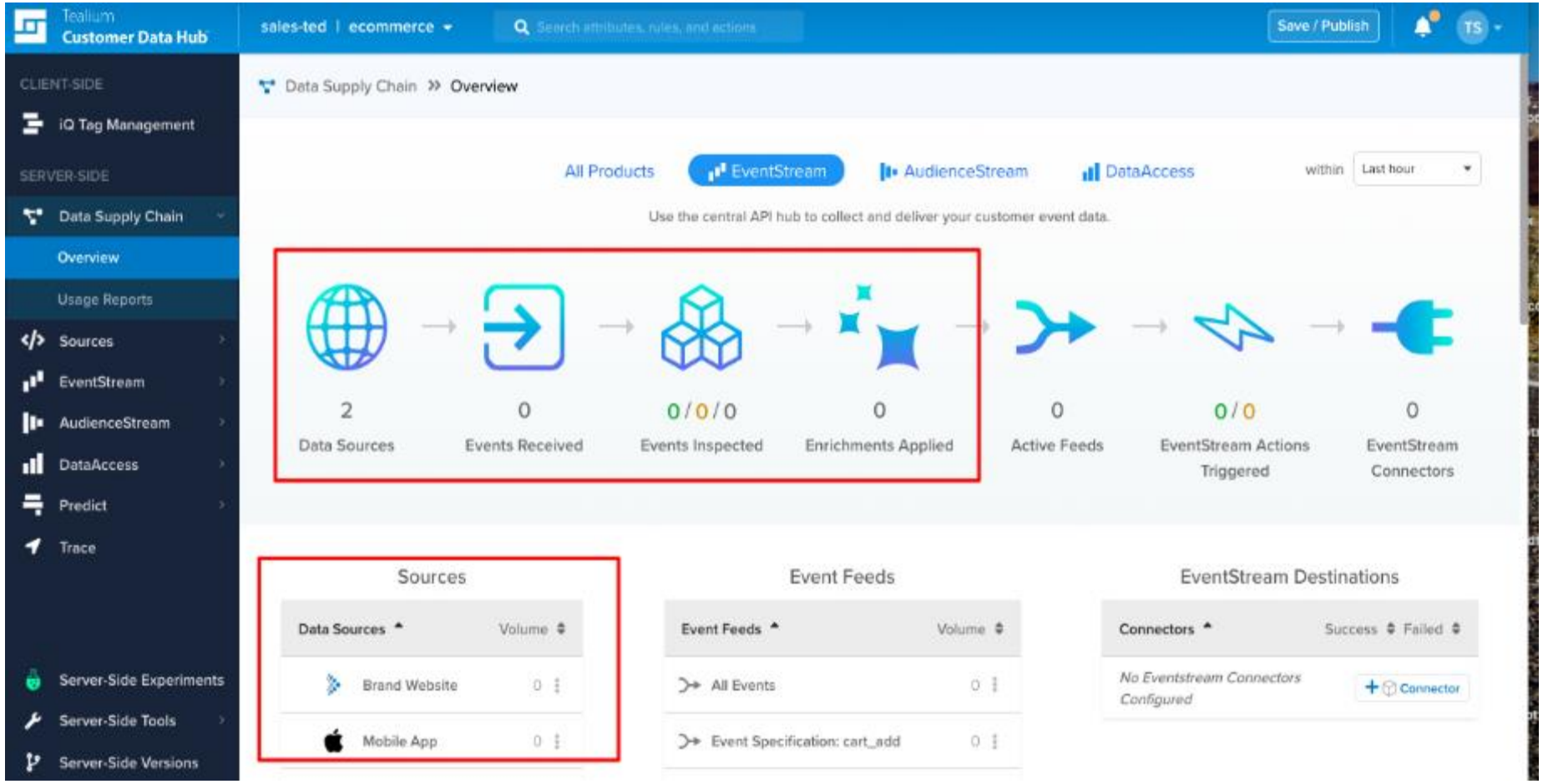
Tealium Collects Data From Any Source

- Websites
- Mobile Apps
- CRMs
- Help Desks
- Spreadsheets
- Databases
- Custom Code
- IoT and OTT Devices
- POS Systems

All data collected from all sources is “actionable” and centralized



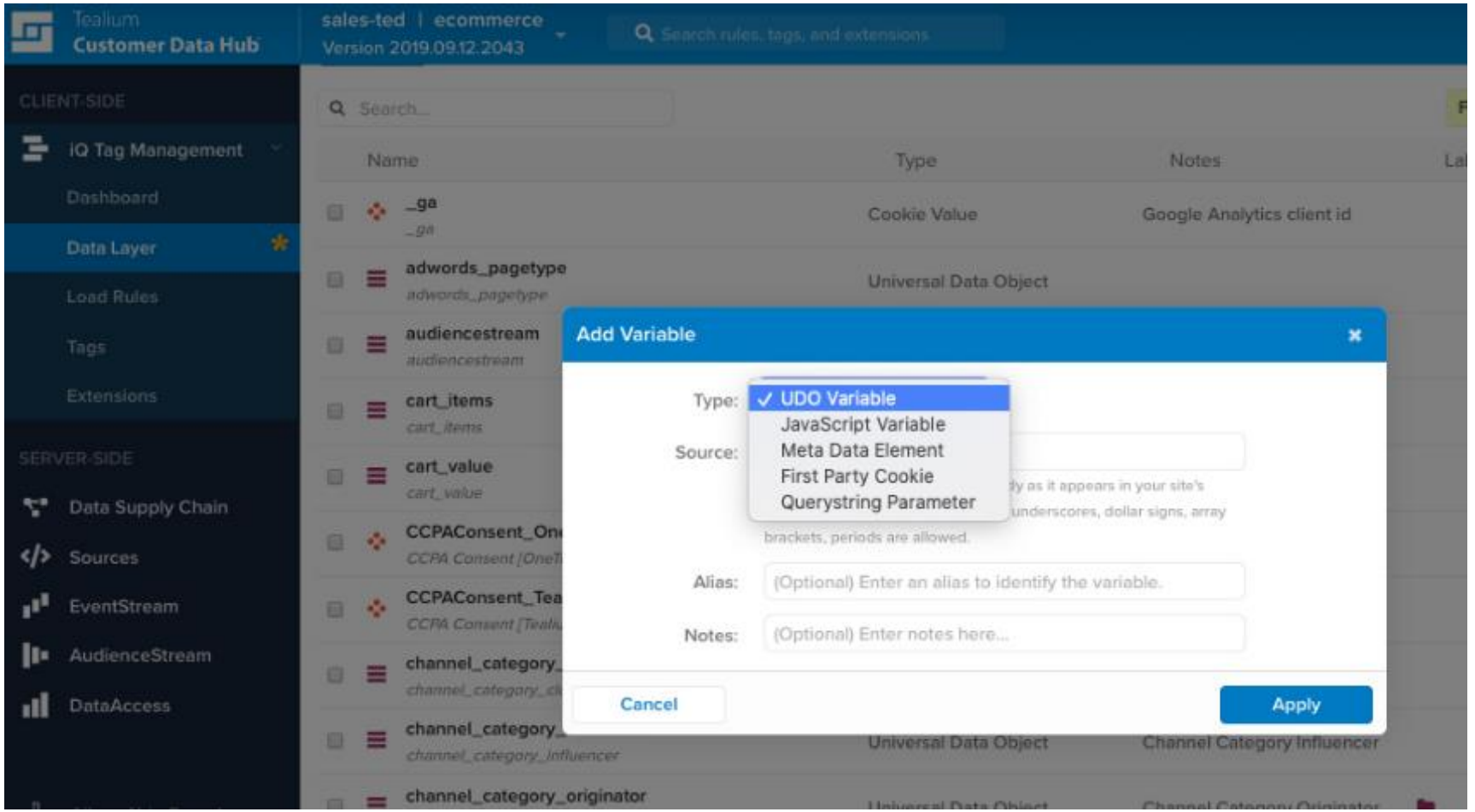
TEALIUM

Tealium Detects, Collects, and Processes in Real-Time

- Detect HTML input
- Detect Click-Streams
- Detect Navigation
- Detect Cookies
- Detect URL
- Detect Meta Data

After detection, Tealium packages all data values into an object that can be configured for action in real-time.

Privacy compliance is a valid “action” - user Preferences are collected and applied to profile.



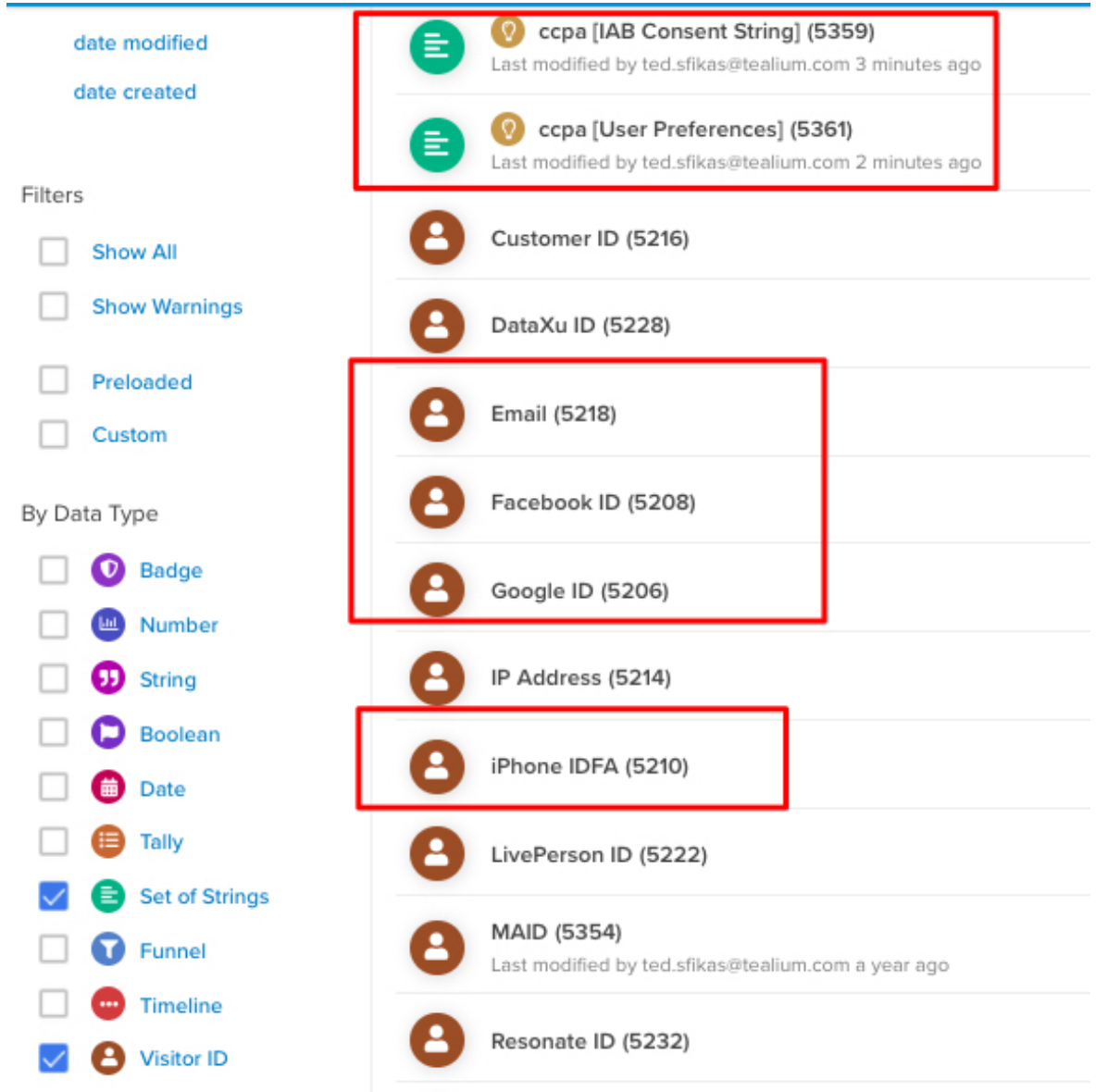
Consumer Identity and Privacy Preferences Known

- Consumer Identity Data collected
- Consumer Privacy Preferences are received from IAB TCF Framework
- Opt-Out from CCPA Banner detected and included

Tealium recognizes the IAB information and includes it in the collected object for the consumer during the web session.

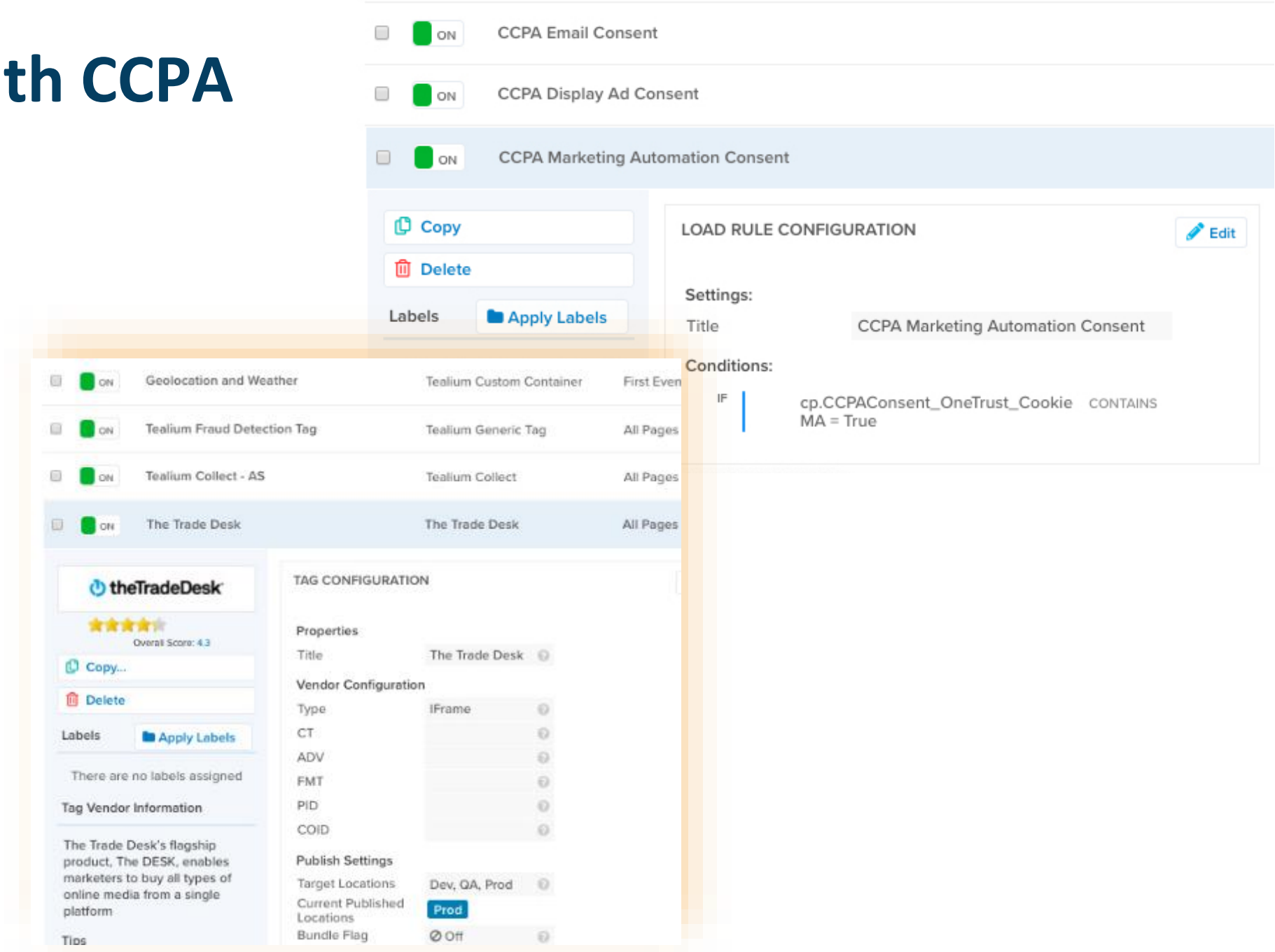
Opt-Out information is collected at the same time.

Appropriate Identity data is collected.



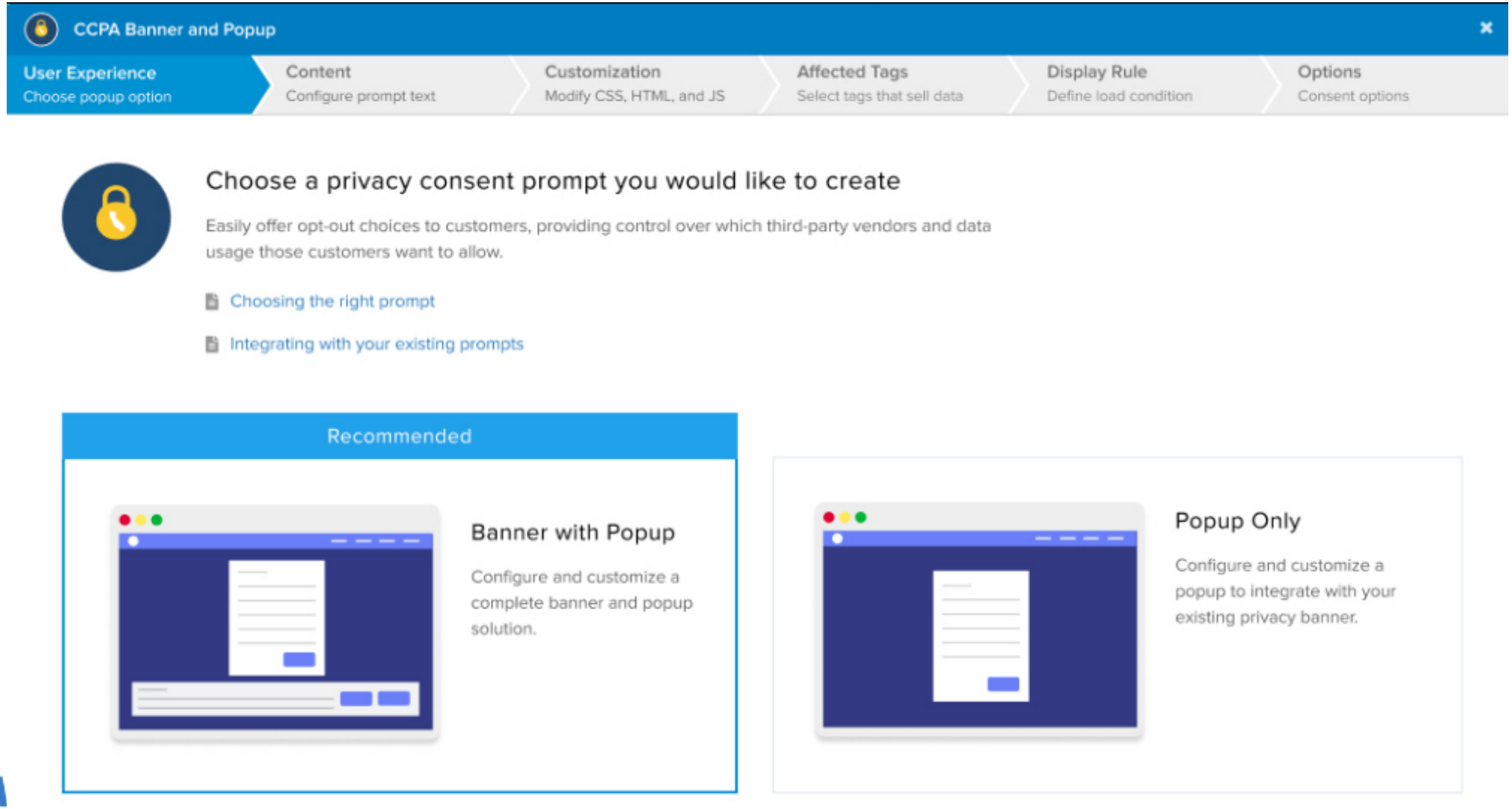
Complying with CCPA

- Tealium can create the CCPA Banner or work with OneTrust's Cookie Banner
- Either choice produces a Cookie with the user's Opt-Out selection and vendor preferences
- Tealium reads the Cookie and takes appropriate action



TEALIUM

Configure CCPA Opt-Out



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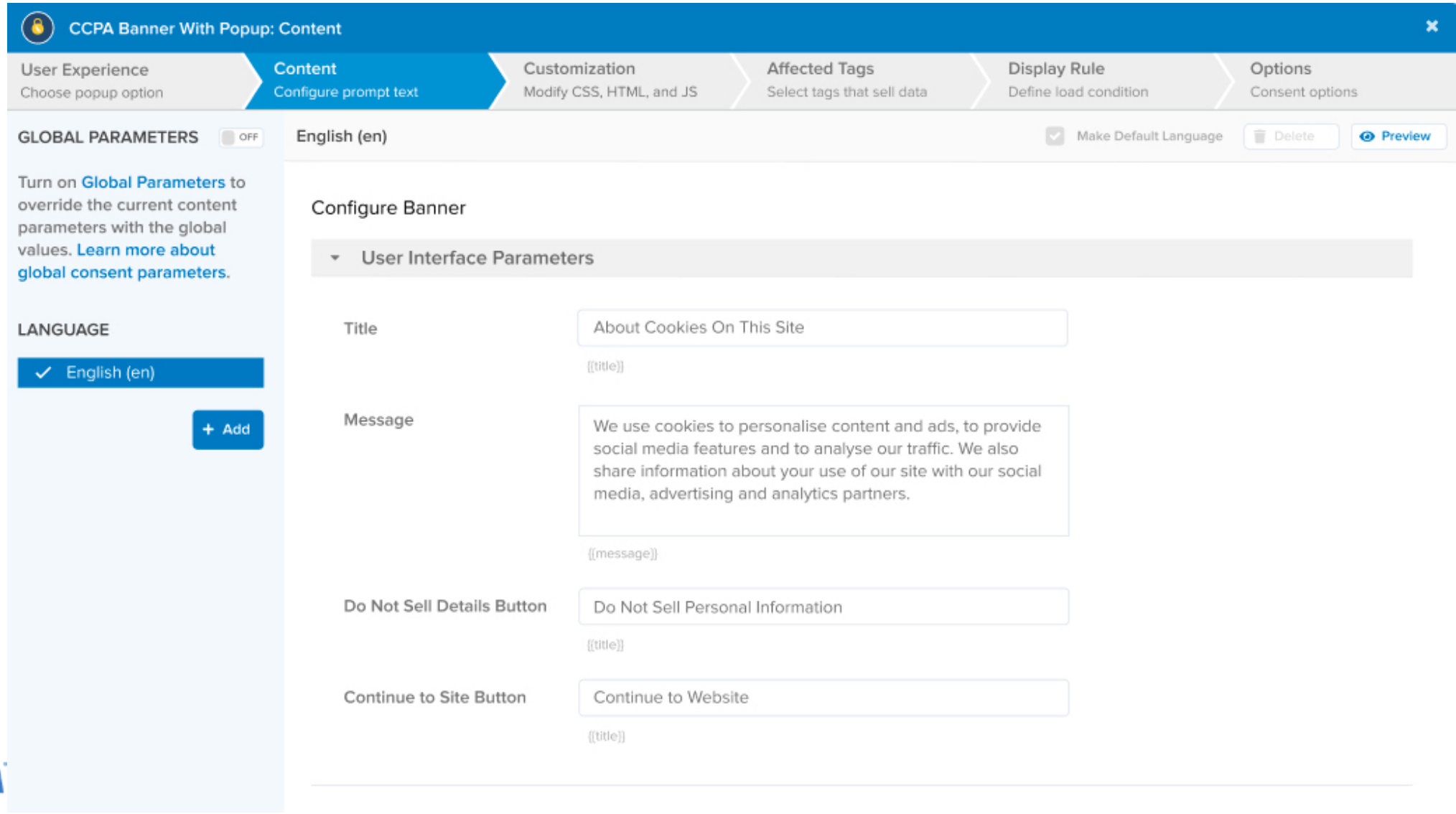

TEALIUM

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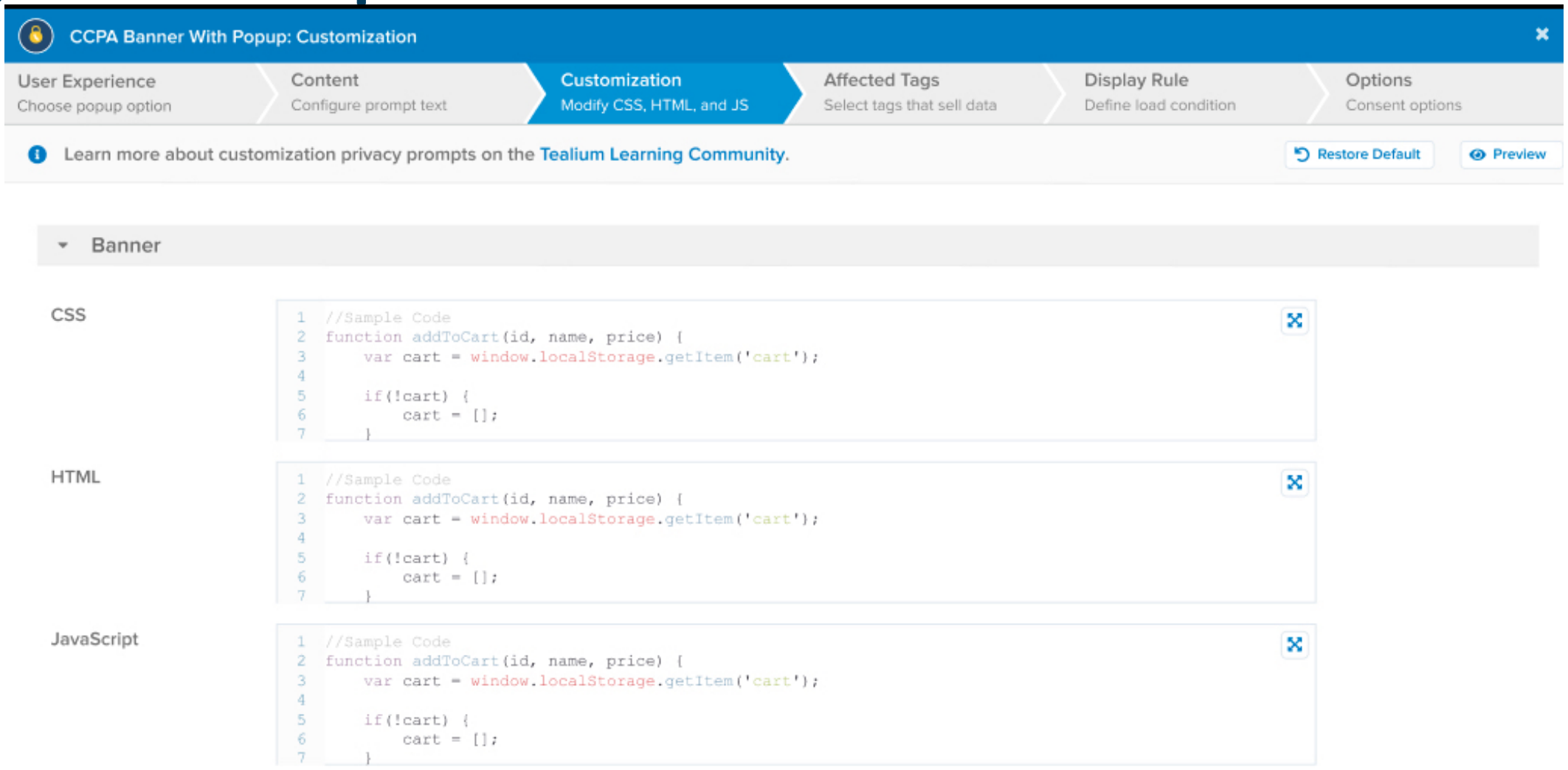
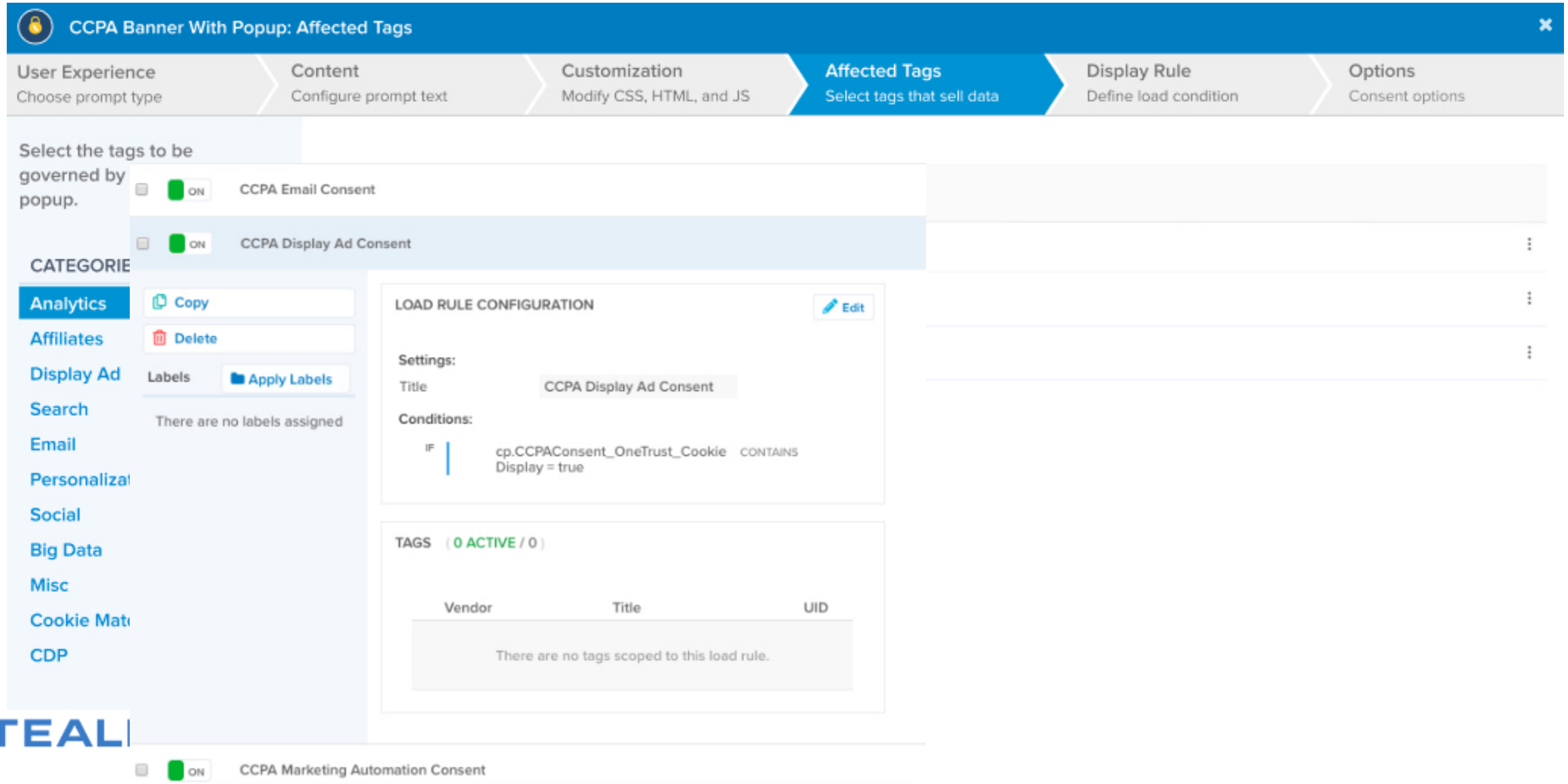


TEALIUM

Configure CCPA Opt-Out



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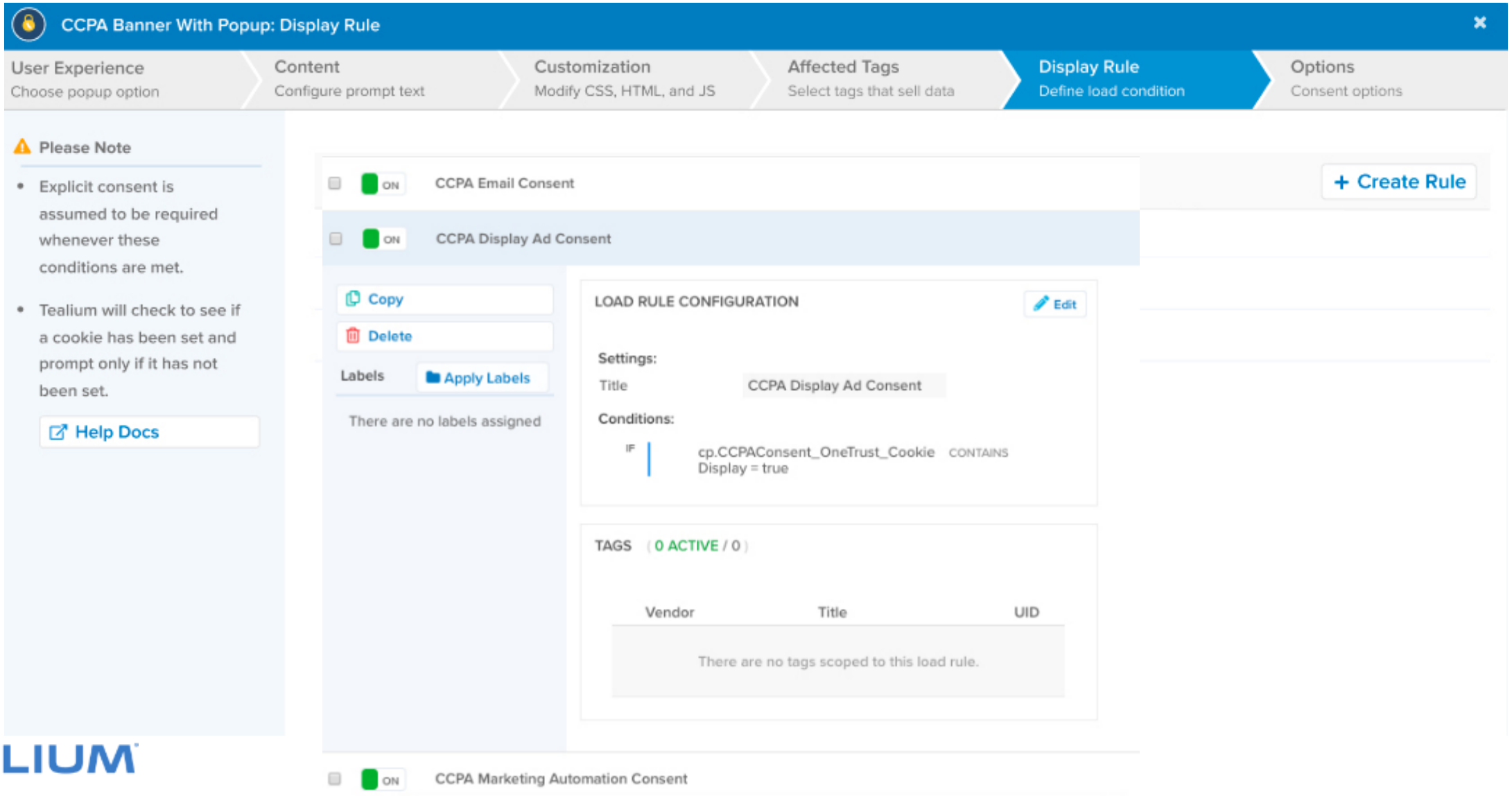

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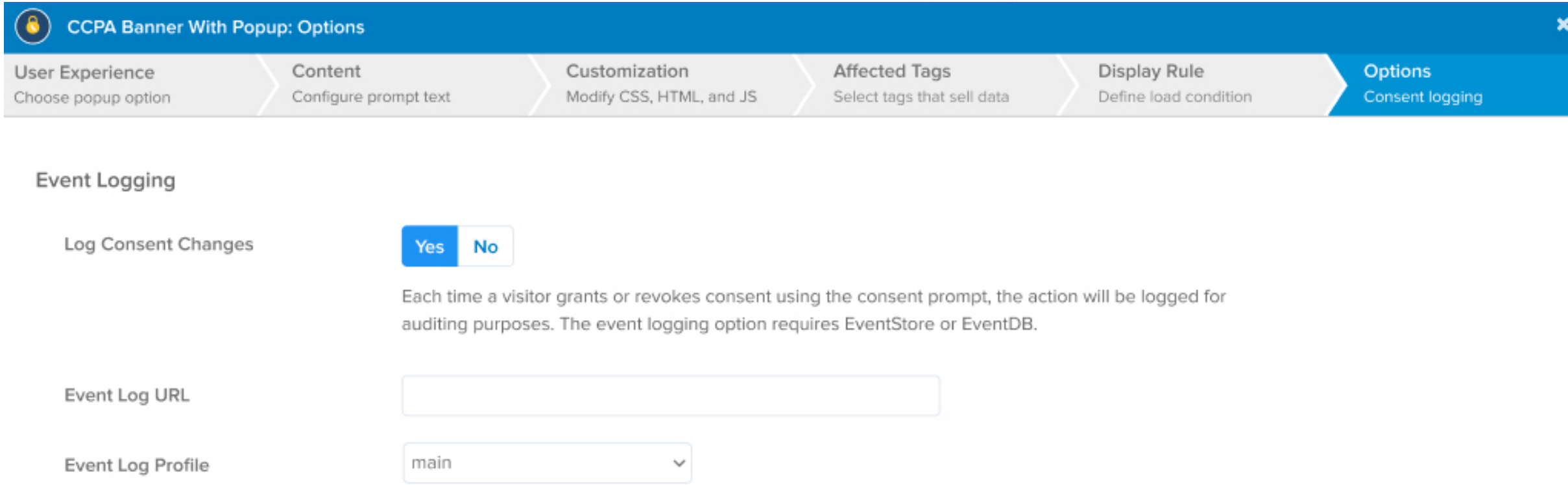
Configure CCPA Opt-Out



TEALIUM

Michael Williams, Partner, Clym

How Clym Helps Publishers

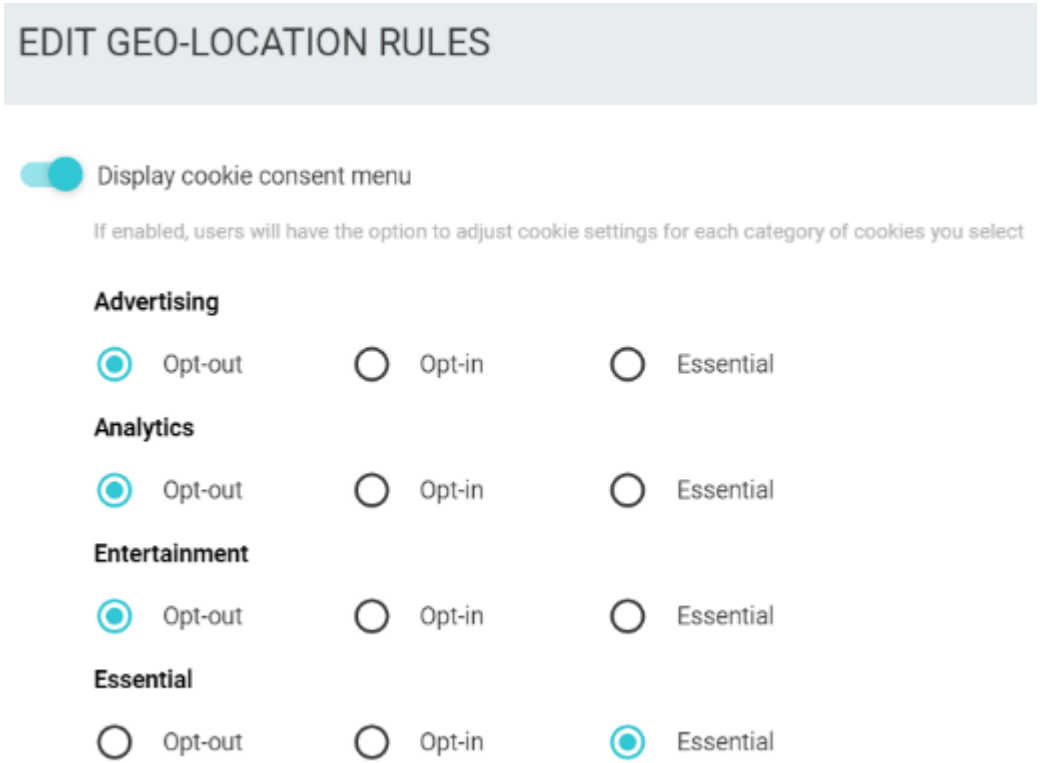
1. Manage cookie consent
2. Generate timestamped consent receipts
3. Administer DSARs (e.g. “Forget Me”)
4. Organize documentation
5. Control geolocation access
6. Build customer trust
7. Improve customer engagement
8. Manage compliance costs
9. Ensure long-term compliance

CCPA Issues for Publishers

1. Customization: how can I manage my site visitors' experiences based on their geographic location?
2. Monetization: how can I ensure my site is complying with various regulations while minimizing impact on my revenue streams?
3. Speed: how can I ensure that my site's loading speed isn't affected by a privacy compliance tool?
4. Communication: how can I be transparent with my customers and maintain compliance with new privacy regulations?

CCPA Issues for Publishers - Customization

1. Geo-location issues
2. Opt-in vs. opt-out
3. Essential vs. non-essential
4. User functionality
5. Transparency



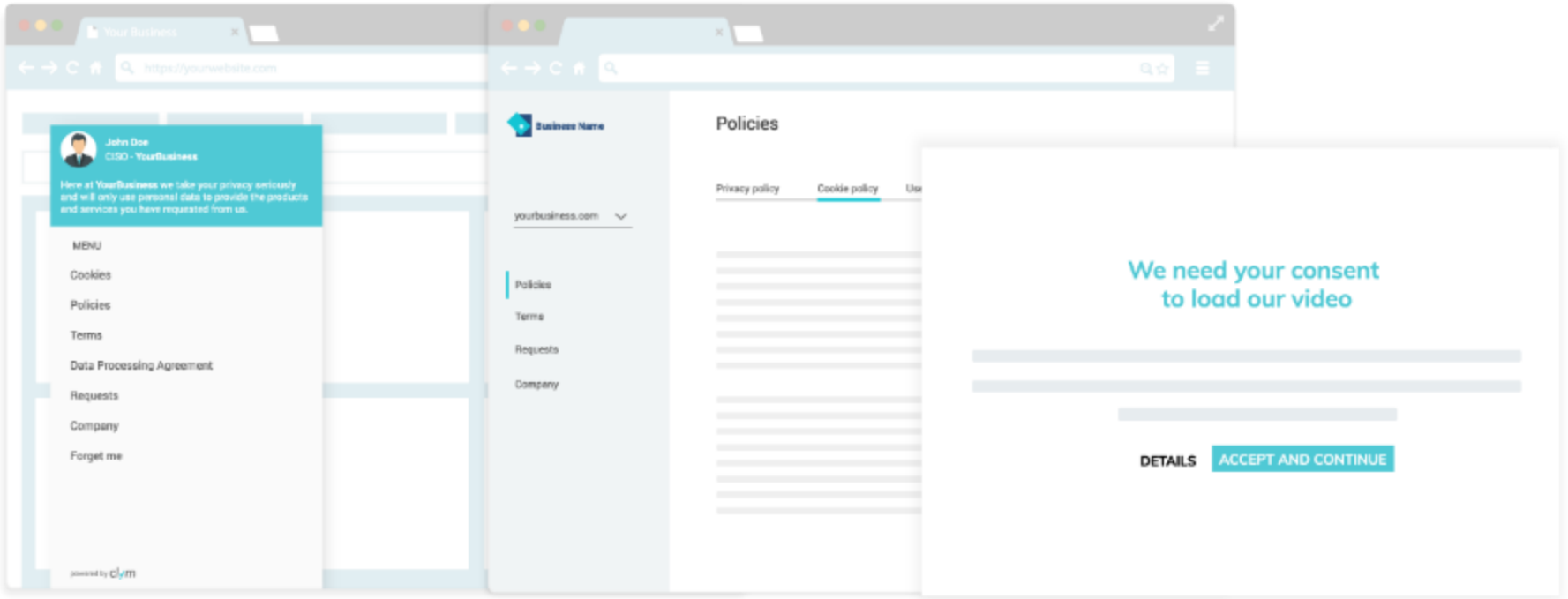
CCPA Issues for Publishers - Monetization

1. Stop vs. yield signs
2. Selling – what's included?
3. List sharing
4. Engagement

CCPA Issues for Publishers - Speed

1. Top priority
2. Page load time considerations: 4 milliseconds
3. Bounce rates
4. Mobile considerations

CCPA Issues for Publishers - Communication



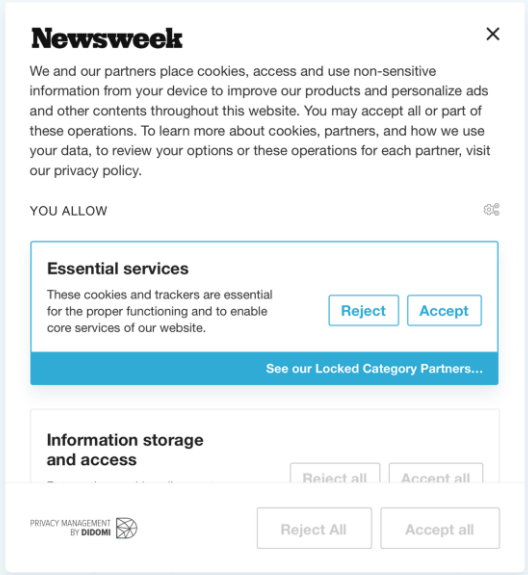
Privacy Widget

Privacy Center

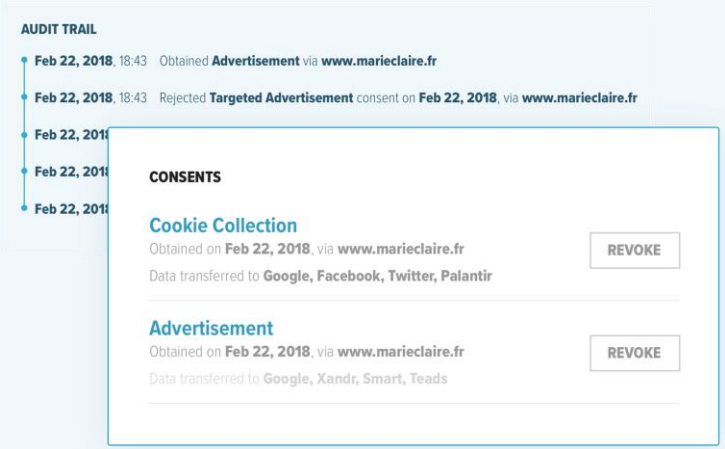
Embedded Content

Jawad Stouli, CTO & Co-Founder, Didomi

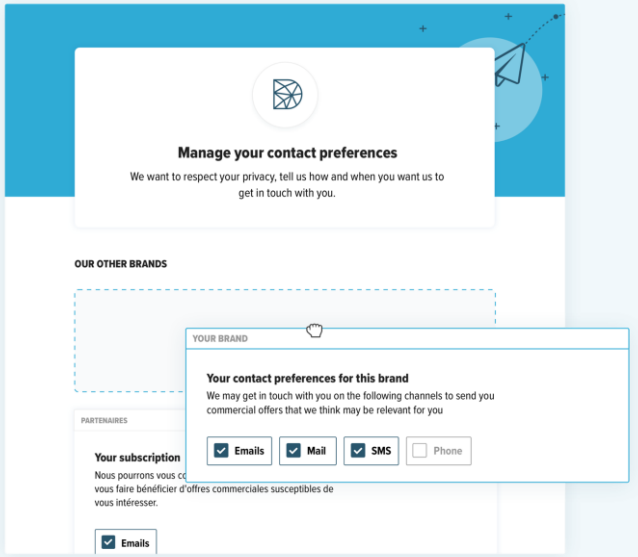
A complete CMP for GDPR and CCPA



Collect & Access

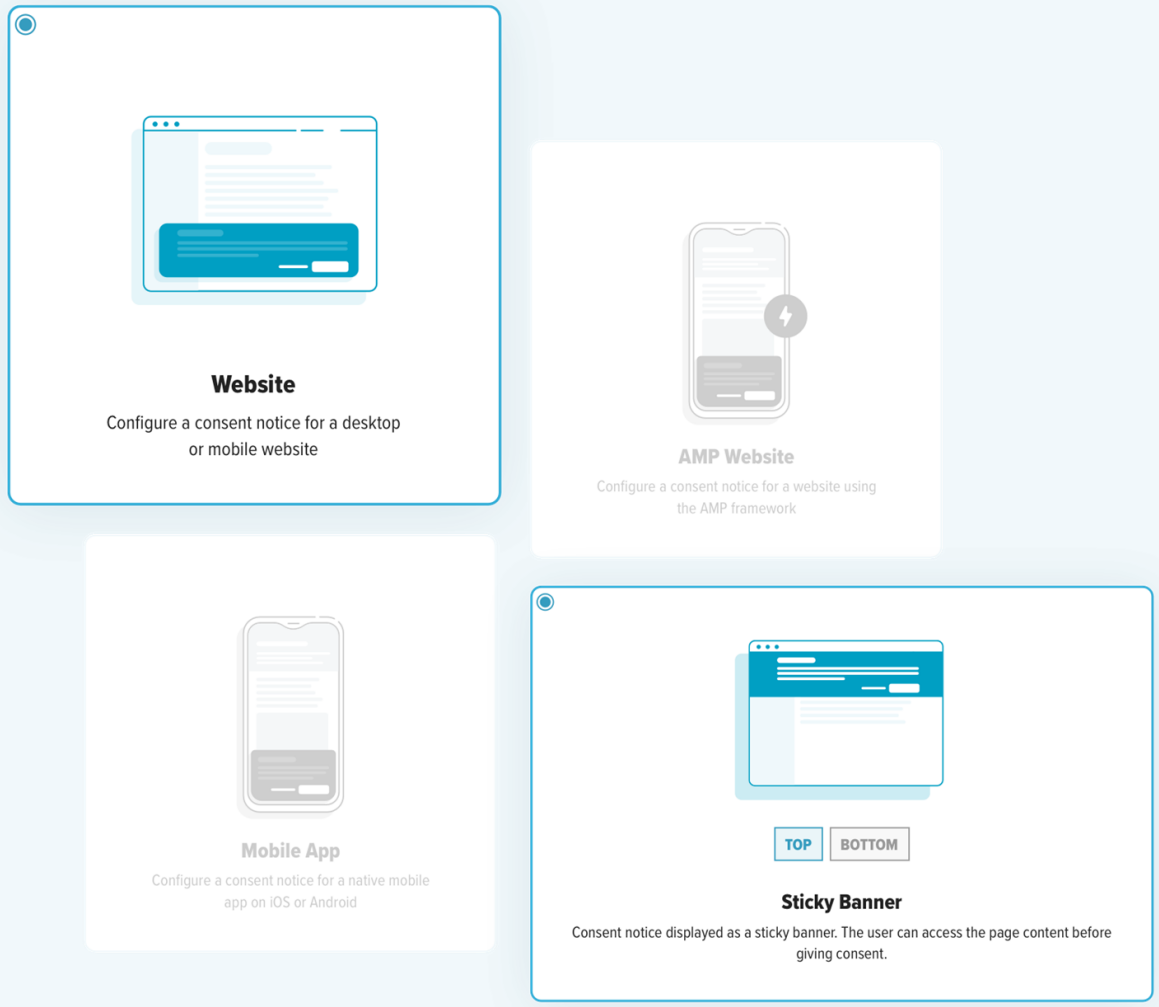


Store & Analyze



Distribute

DIDOMI



Cross-platform

Didomi supports all environments and all types of consents and preferences at scale :

- Dedicated SDKs for web, mobile (iOS, Android, AMP), Connected TVs
- Fully customized consent and preference types
- Delegated consent and offline consent

DIDOMI

Lessons from GDPR

Key lessons from the GDPR adoption in the EU:

- Industry-wide adoption and the role of the TCF
- Compliance drives CPMs and revenue
- Regulations are local and always evolving

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What to expect for CCPA?

Impacts of CCPA on the advertising industry:

- Similar industry-wide adoption
- Opt-out rate, CPMs and revenue
- More US regulations to follow

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Open Discussion and Q&A

Future Webinars

- **May 8, 2020 at 12 pm ET**
  - Managing Privacy Compliance Across Jurisdictions: A Comparison of GDPR and CCPA
- **May 19, 2020 at 12 pm ET**
  - The California AG's Draft Regulations & the Road to CCPA Enforcement
- **May 27, 2020 at 12 pm ET**
  - The Next Wave of California Privacy Law: CPRA, CCPA Amendments & More

THANK YOU