CCPA and User-Enabled Global Privacy Controls

Webinar No. 8 of IAB's Privacy Law Webinar Series

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Today's Speakers

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CCPA Consumer Rights and Your CMP

OneTrust PreferenceChoice™

CONSENT & PREFERENCE SOFTWARE

Today’s Speaker

Alex Cash
OneTrust Lead Solutions Engineer
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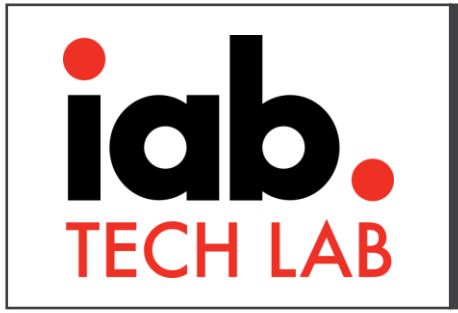
Consumer Rights Under CCPA

CCPA

- Right to Disclosure
- Right to Deletion
- Right to Opt-Out (Do Not Sell)
- Right to Nondiscrimination

Do Not Sell My Info

IAB Tech Lab CCPA Framework & Opt-Out



Enforces limitations on the use of data and mechanisms for accountability when a consumer opts out of the sale of their information.

Participant Requirements
Include information about rights of consumers under CCPA Explain what will happen to the collected data and provide the opportunity to opt out Add a Do Not Sell link

Components
CCPA USP String Limited Service Provider Agreement (LSPA) CCPA Data Deletion Spec

CCPA CMP for Publishers & Advertisers

CMP Deployed to Publisher Digital Property

Both web & mobile should be accounted for

CONFIGURABLE INTERFACE AND BEHAVIORS

ONETRUST AS A CONSENT MANAGEMENT PROVIDER (CMP)

CONSENT MANAGEMENT PROVIDER (CMP)

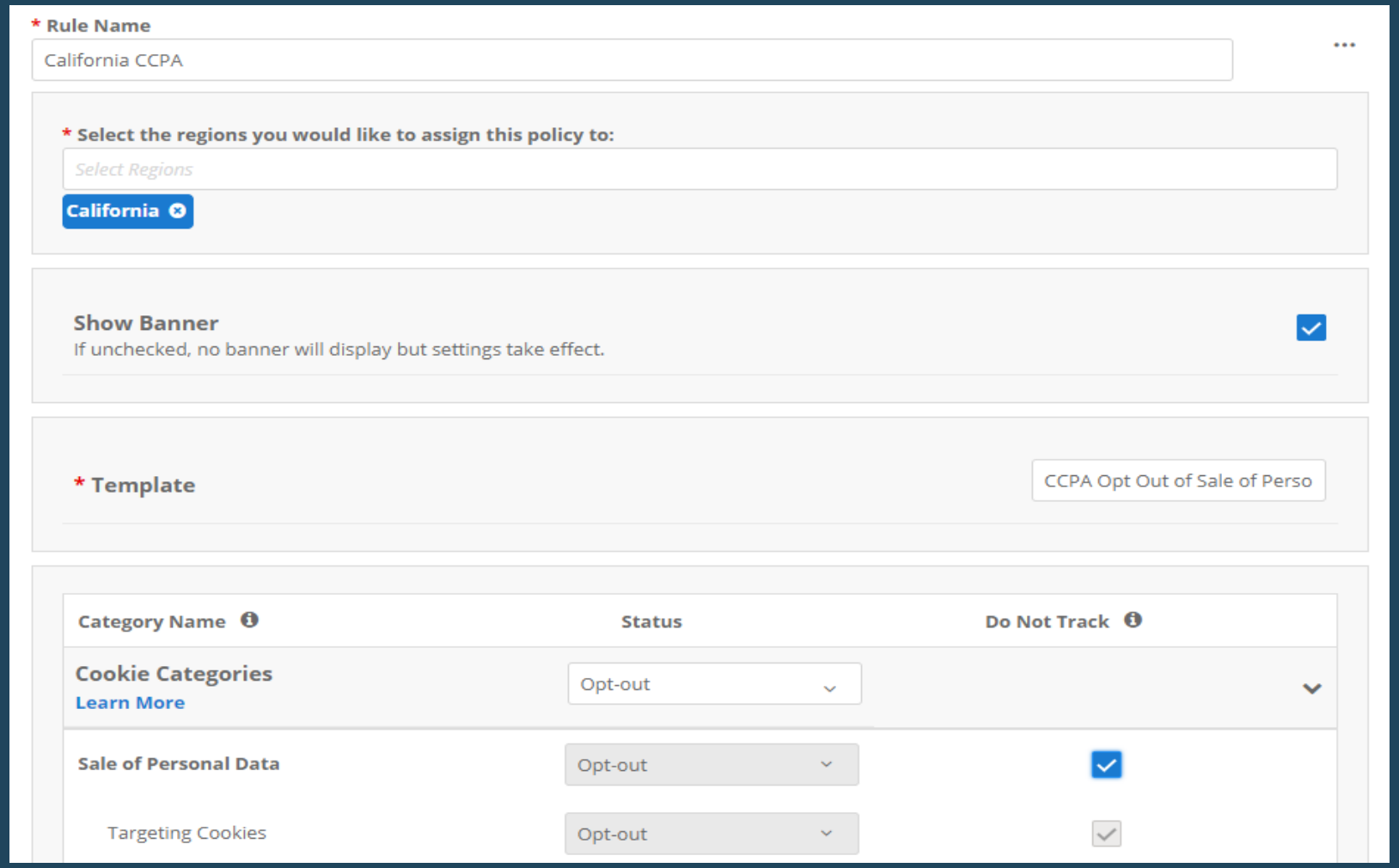
Support for Leading Frameworks & Applications

iab europe
Adobe Advertising Cloud
salesforce DMP
AdChoices
facebook Pixel
FREEWHEEL
AMP
mparticle

SIGNALS PROPAGATED TO FIRST & THIRD PARTIES

Ad Tech Vendor
Ad Tech Vendor
Ad Tech Vendor
3rd
JavaScript
1st
Tag Manager
Custom Integrations

Geolocation and Do Not Track Functionality



I. “Do Not Sell” Recap

- “Do Not Sell” Recap: As you know, the CCPA requires businesses that “sell” personal information to provide a link on its digital properties whereby consumers can opt-out of these “sales. This link must be titled, “Do Not Sell My Personal Information” or, alternatively, “Do Not Sell My Info”.

- Global Privacy Controls: The California Attorney General’s Final CCPA Regulations add to the “Do Not Sell” requirement above in the following significant ways:
    1. Businesses **must** provide two or more methods for consumers to submit “Do Not Sell” requests, one of which must be the link described above. (999.315(a))
    2. Businesses **must** respect “user-enabled global privacy controls” that signal a “Do Not Sell” request. (999.315(d))

II. Global Privacy Controls

- However, where businesses collect personal information from consumers online, the businesses **"…*shall* treat user-enabled global privacy controls, such as a browser plugin or privacy setting, device setting, or other mechanism, that *communicate or signal the consumer's choice to opt-out of the sale of their personal information* as a valid request submitted … for that browser or device, or, if known, for the consumer."** (emphasis added) (999.315(d)).

- The global privacy control must *clearly* demonstrate the consumer's intention to opt-out of a sale under the CCPA. (999.315(d)(1))
- Where the global privacy control conflicts with consumer's business-specific settings (or participation in financial incentives), the business *still must respect the privacy control* and notify consumer of the conflict to confirm whether it wants to resume its business-specific setting/incentive. (999.315(d)(2))

III. Policy Rationale

- The Final Statement of Reasons (FSOR) elaborates on the "global privacy control" requirements that our panel will be discussing today.

- In the FSOR, the California AG says (all emphases added):
  - "This regulation offers consumers a **global choice to opt-out of the sale of personal information**, as opposed to going website by website to make individual requests with each business each time they use a new browser or a new device."
  - "This [requirement] is necessary because without it, businesses are likely to reject or ignore tools that empower consumers to effectuate their opt-out right."

- As a partial explanation for this requirement, the California AG emphasized that it reviewed numerous privacy policies for CalOPPA compliance and noticed that "[t]he majority of businesses disclose that they do not comply with [Do Not Track or other mechanisms]."
  - Accordingly, "[these businesses] do not respond to any mechanism that provides consumers with the ability to exercise choice over how their information is collected."

THANK YOU