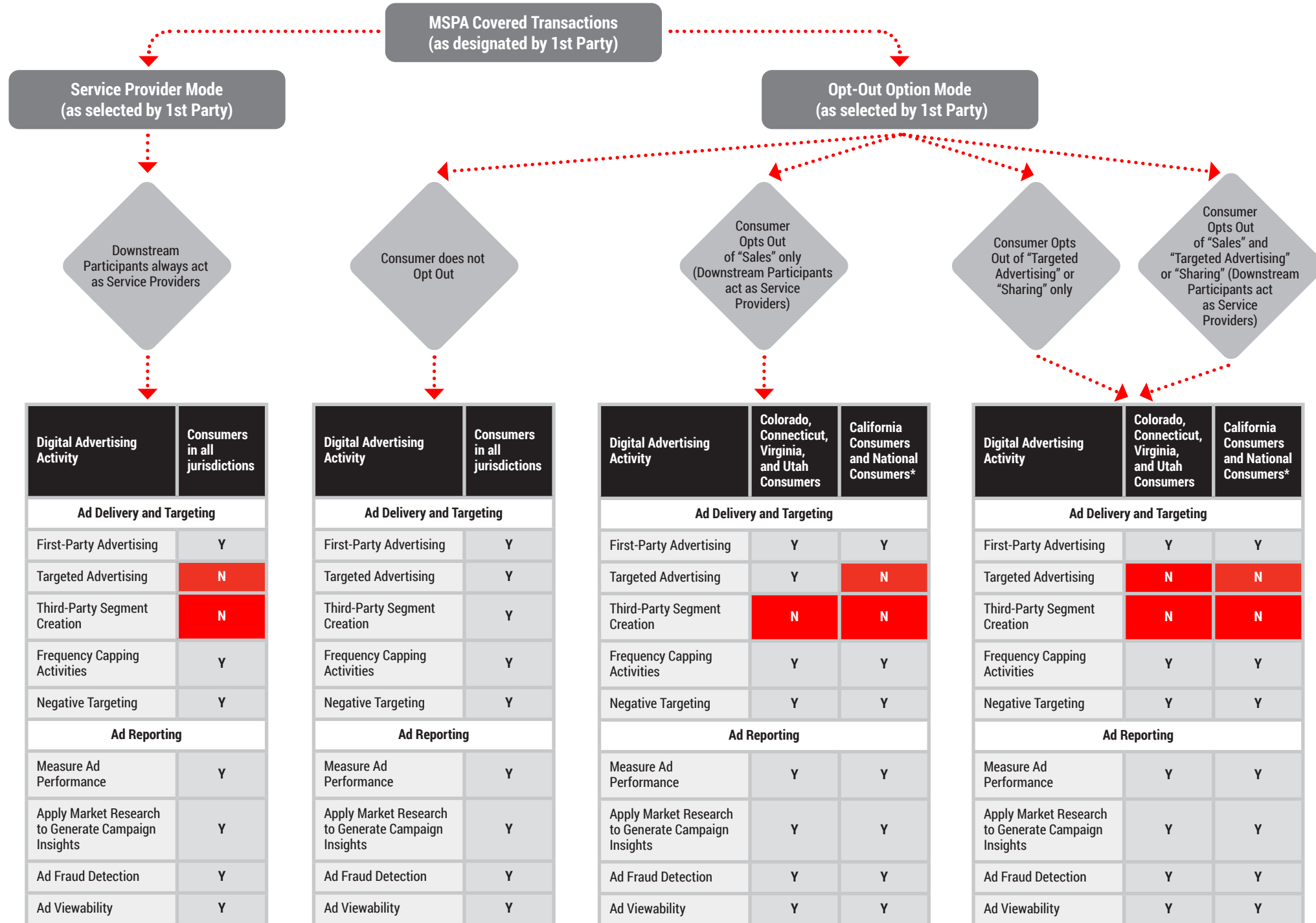


# MSPA Decision Tree: Permitted Digital Advertising Activities

The IAB Multi-State Privacy Agreement (MSPA) is an industry contractual framework intended to aid advertisers, publishers, agencies, and ad-tech intermediaries in complying with five state privacy laws that will become effective in 2023 (in California, Virginia, Colorado, Connecticut, Utah). For transactions covered by the MSPA, First Parties (i.e., publishers and advertisers) can choose to operate in Service Provider Mode or Opt-Out Option Mode. Service Provider Mode is for signatories that do not “sell,” “share,” or process personal information for “targeted advertising.” Opt-Out Option Mode is for signatories that may engage in those activities. Different data processing activities for digital advertising are allowed under the MSPA depending on what “Mode” is being used and a consumer’s opt-out choices, as illustrated by this decision tree.



\*Under the MSPA, a “National Consumer” is a natural person for whom a First Party has not determined state residency, and consequently applies the highest available standard under applicable state privacy law. First Parties can also use this approach if they wish to apply the highest state law standards to all consumers, even if they do know the consumer’s state residency.