Addressing the ICO Report: an IAB UK update

19 November 2019

- Who we are
- Responding to the ICO’s report:
  - Process
  - What we’ve done
  - What we do next

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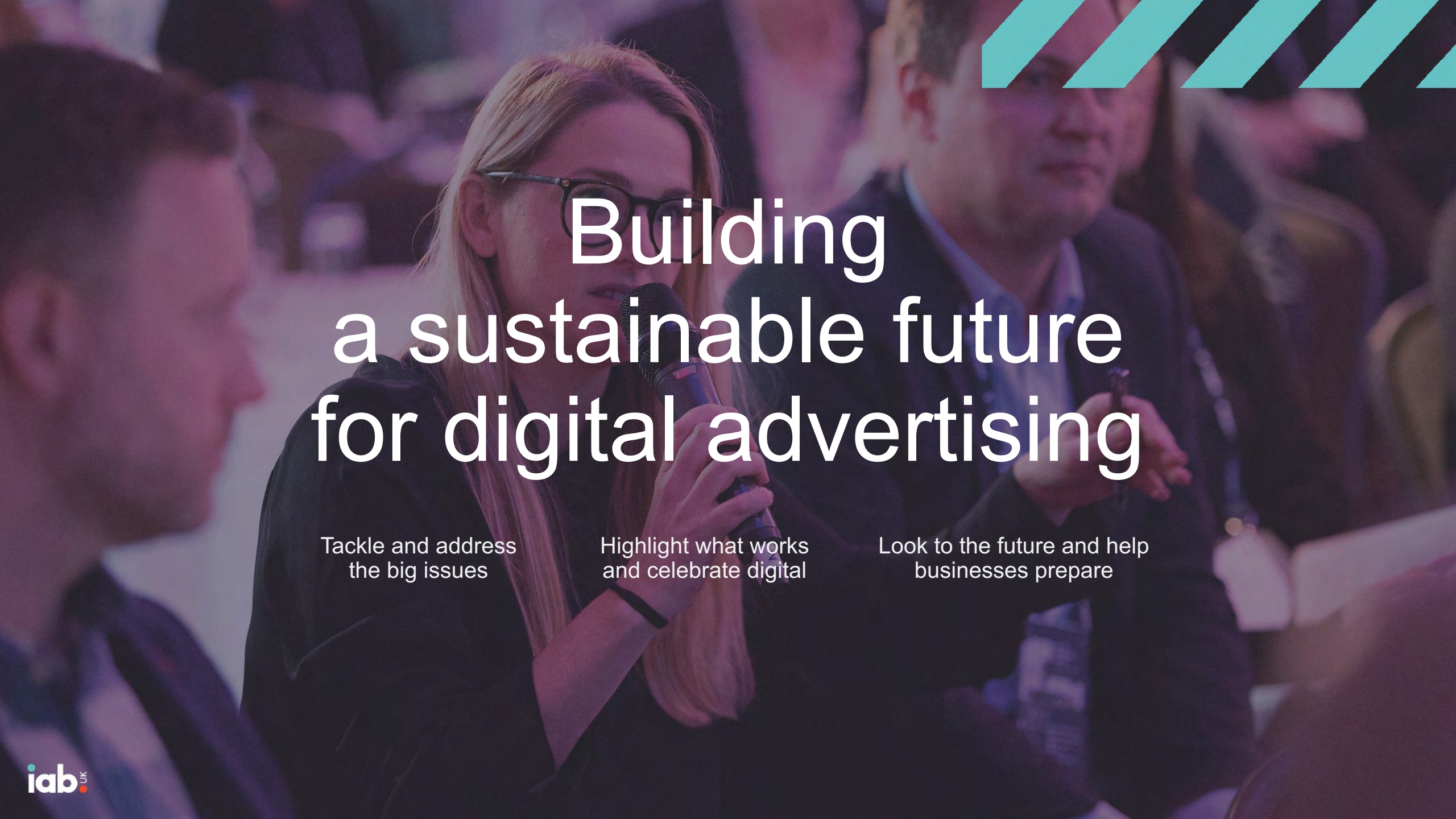
Not for profit
1200+ member companies
(advertisers, agencies, ad tech, media owners)
~30 dedicated staff
Covent Garden



Building a sustainable future for digital advertising

Tackle and address the big issues

Highlight what works and celebrate digital

Look to the future and help businesses prepare

Who we are: IAB UK/ IAB Europe/ IAB Tech Lab

	IAB UK	IAB Europe	IAB Tech Lab
What is the organisation's substantive scope / mission?	Representing & supporting the UK digital advertising industry – policy advocacy, developing standards and good practice (self-regulation)	Representing & supporting the European digital advertising & marketing ecosystem – policy advocacy, best practice exchange, standards (incl. legal compliance)	Developing & maintaining technical standards, software and services to support the global digital advertising ecosystem (e.g. OpenRTB protocol)
Who are the members?	▪ Companies from across the digital advertising ecosystem – advertisers, agencies, ad tech, media owners and publishers – operating in the UK	▪ Companies from across the digital advertising ecosystem – agencies, media owners, ad tech, publishers – operating across Europe ▪ European National IABs (25 including IAB UK) representing companies from across the digital ad & marketing ecosystem	▪ Companies from across the digital advertising ecosystem – advertisers, agencies, ad tech, publishers – no geographical restriction on membership ▪ National IABs (48)

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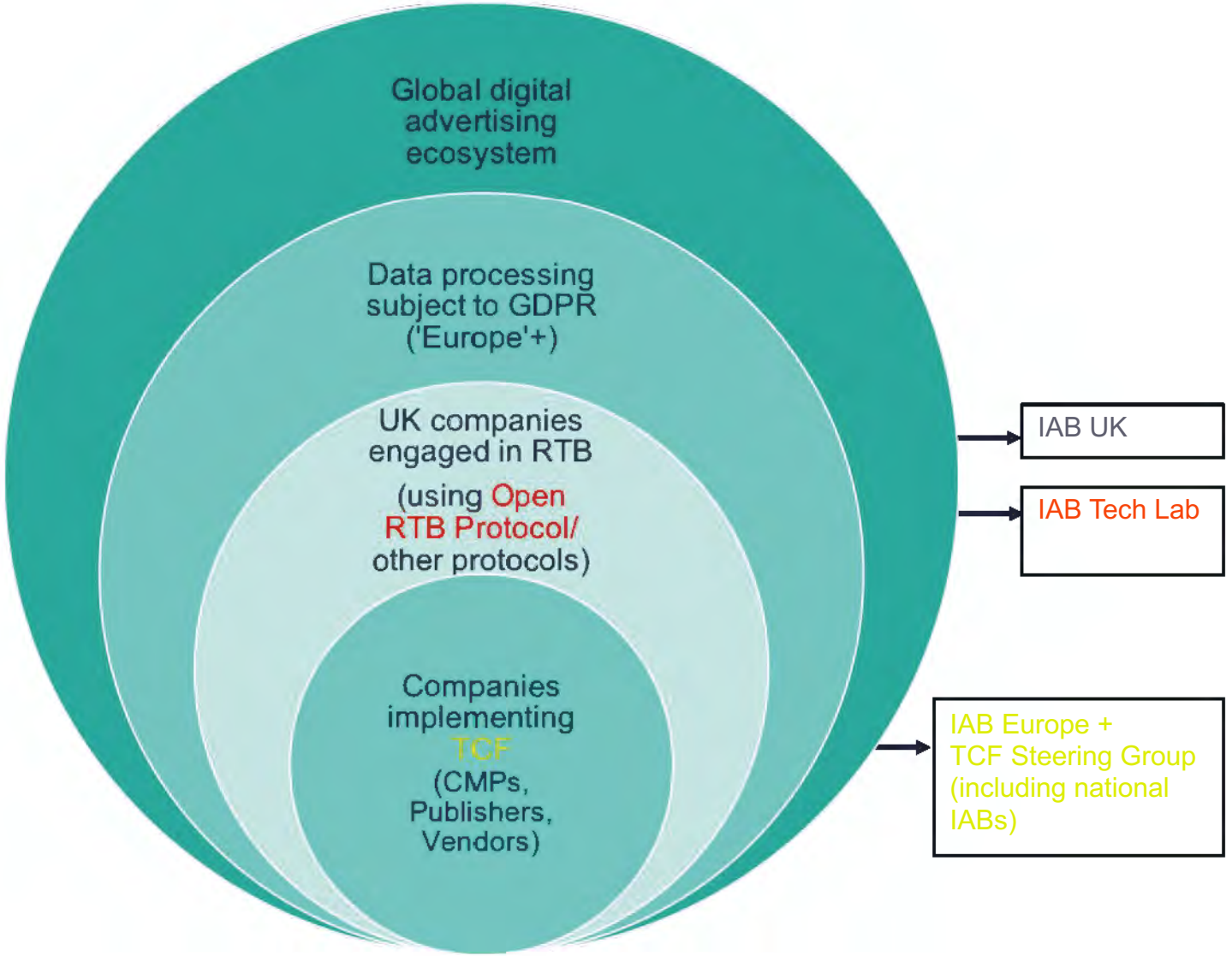
ICO report: context



What can IAB-led responses provide?

IAB UK | IAB Europe | IAB Tech Lab

- Trade associations can provide responsible companies with standards and tools to facilitate legal compliance and ensure accountability, i.e. by setting out what the appropriate legal and technical approaches are to achieving compliance with GDPR & ePrivacy legislation
- Specifically, the TCF has a critical role to play (v 2.0 and future iterations)
- Where possible, we (IAB UK, IAB Europe, Tech Lab) want to develop approaches that can be applied in a harmonised way at EEA level to avoid fragmentation and maintain the consistency envisaged by GDPR

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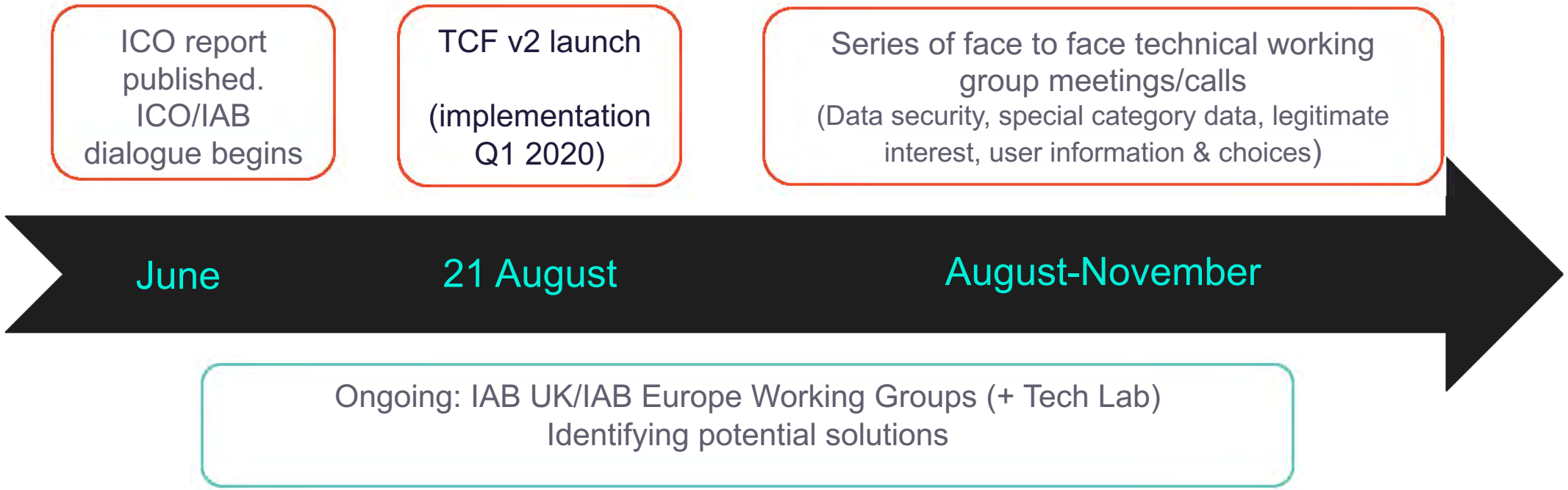
IAB UK actions
Bid analysis (SCD)
Data mapping
TCF
IAB UK Working Group
ICO engagement
(series of calls and meetings)
IAB Europe TCF ICO Working Group
ico.
Information Commissioner's Office
IAB UK event
5 November
ICO forum
19 November
IAB Europe/TCF actions
IAB Tech Lab
EDAA
AA
DMA
ISBA
AOP
IPA

Activity since June



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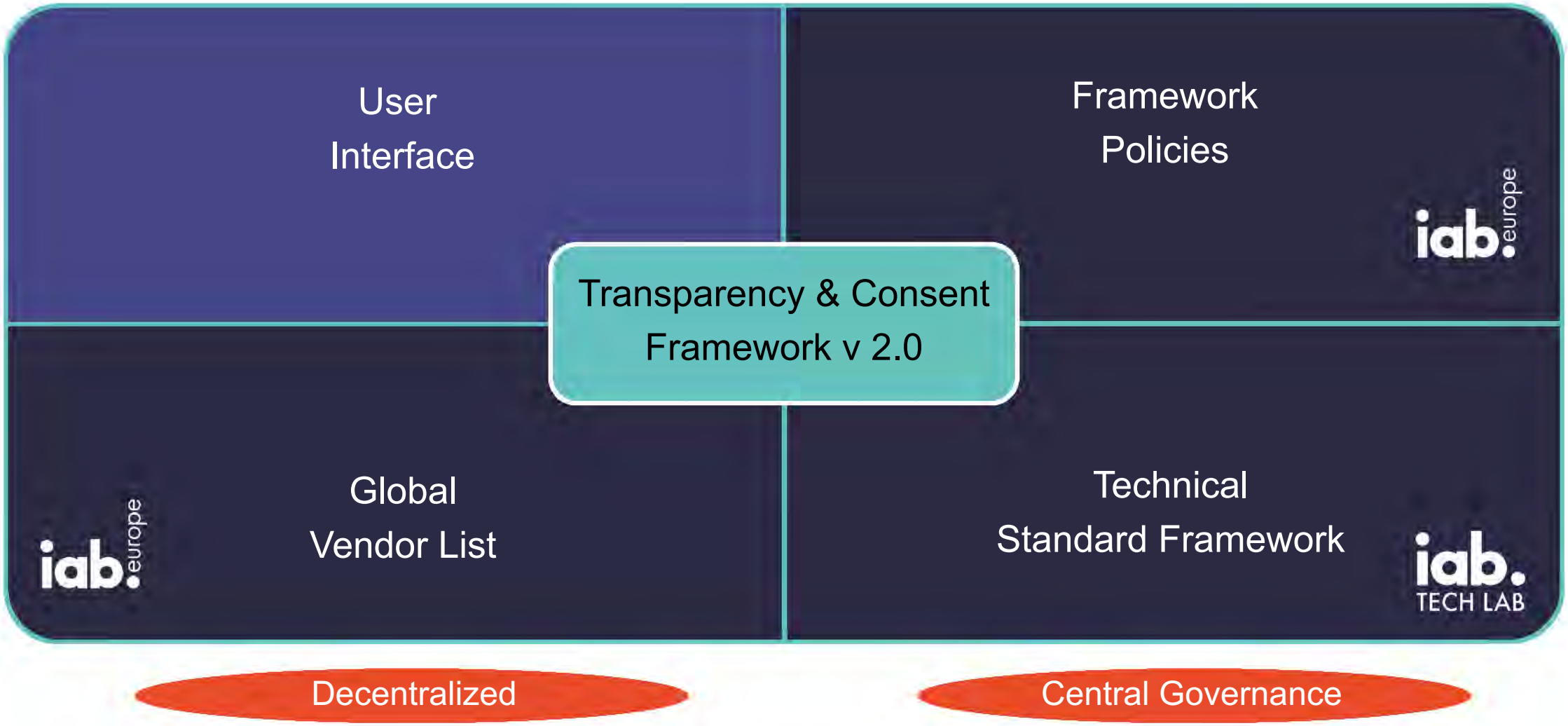
TCF: what has changed since June?


User
Interface
Framework
Policies
iab europe
Transparency & Consent
Framework v 2.0
Global
Vendor List
iab europe
Technical
Standard Framework
iab.
TECH LAB
Decentralized
Central Governance

iab UK

Recap: purpose & benefits of TCF

1. Ensures that vendors have an appropriate GDPR lawful basis to process personal data
2. Implements GDPR-defined consent for ePrivacy compliance
3. Ensures full transparency into the controllers (vendors) seeking to access devices and process personal data
4. Ensures full transparency about purposes for which vendors wish to access devices and process personal data
5. Control for publishers over partners operating on their sites and apps, so that processing is proportionate
6. Standardised signals to enable accountability
7. Minimum criteria for UI – disclosure of vendors and purposes, including privacy policy link and legal bases. No consent signal generated prior to an “affirmative act”.

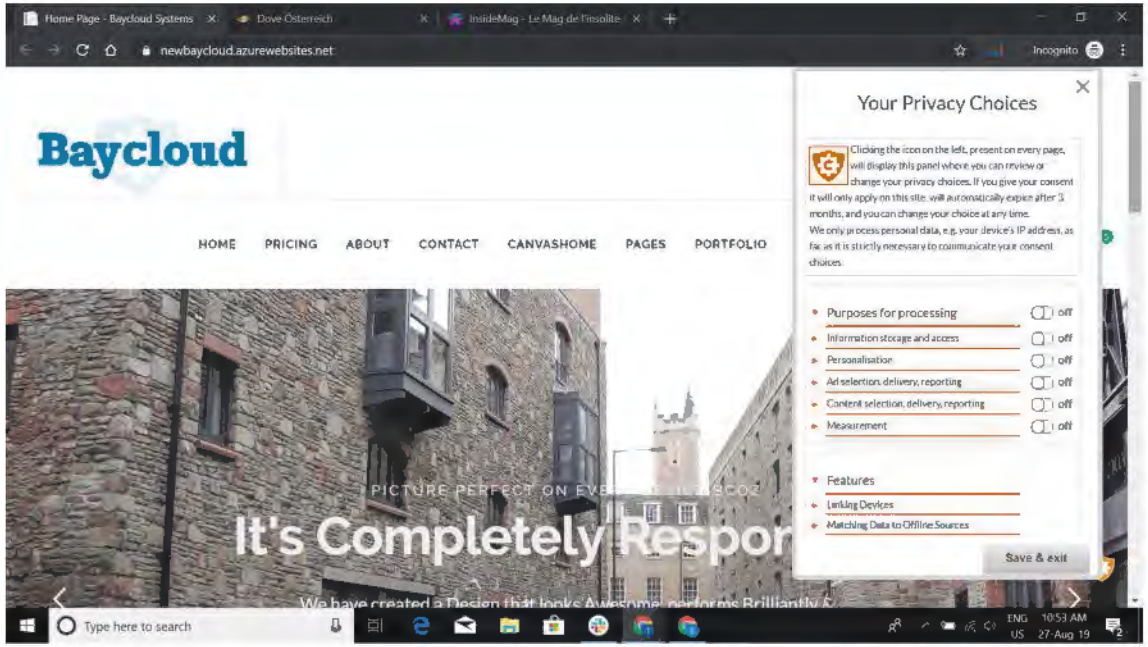
How TCF 2.0 addresses issues identified in the ICO report

Issue	How TCF v 2.0 manages this
• Lack of transparency	• More granular purposes and user-friendly language • Improved UI requirements (purposes and link to list of downstream vendors in first layer) • No pre-ticked consent • Actively discussing further UI policy changes/good practice
• Lawful basis (GDPR, ePrivacy)	• Mandates consent for cookies/similar technologies • Separate, opt-in-only control over precise geolocation data and active fingerprinting
• Legitimate interest legal basis	• Vendor registration declaration of LI legal basis requires confirmation of LIA
• Withdrawal of consent and right to object to processing	• Facilitates both to be signalled; vendors must comply
• The data supply chain	• Publisher control over vendors (who can process & for what purpose) *e.g. only Vendors X, Y, and Z may process based on Purpose 3* • Data sharing addressed in policies and governance.

Enforcement: CMP validator compliance checking programme

- Updated list on https://advertisingconsent.eu/cmp-list/ with only CMPs that have demonstrated their full compliance with both technical and policy checks (at least in a staging environment)
- 129 CMPs (out of original 188) are compliant
- Machine readable .json file with names and IDs of only compliant CMPs
- Official TCF v1.1 Compliant seal to CMPs who have rolled out compliant versions.
- November 20th deadline for all CMPs to implement live installations of their fully compliant versions.
- Random spot-checks will be run after November 20th to verify that compliant versions are live.
- Now updating policy compliance checks on the CMP Validator for v2.

TCF v 1 CMP validation: CMP ‘before and after’



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Special category data

- Where special category data does not need to be processed:
  - work with members to agree changes to/rules around the use of the content taxonomy in the bid process in the UK i.e. how we ensure certain 'SCD' content labels are not used (unless explicit consent is obtained)
  - liaise with Tech Lab to consider whether wider changes should be considered to the taxonomy itself
- Education for the industry on SCD requirements (including engaging with brands and agencies)
- Identification of SCD use cases/requirements to inform work where special category data does need to be processed (in conjunction with ICO)

Data security and safeguarding

- Identifying and developing good practice and guidance on a risk-based approach to sharing data with third parties, covering security of personal data in transit and at rest, covering:
  - Information security standards
  - Due diligence (up front and ongoing) and monitoring of contracts
  - Data minimisation, storage and retention
- TCF workstream to integrate new/additional requirements into TCF policies to help address these issues and propagate good practice

Other issues: developing a programme of good practice, guidance, resources and education

- Set out what ‘good’ looks like
- Help ensure there is a clear understanding of what the law requires
- Provide the tools and resources to help companies to comply

  - PECR/GDPR requirements for storage and access
    n.b. TCF v 2.0 only allows consent (and not LI) as a legal basis for this purpose
  - Legitimate interest legal basis and LIA requirements
    Inc. working with the ICO to review anonymised example LIAs and potential use cases for data processing under GDPR
    n.b. TCF vendor registration now requires vendors declaring LI as a legal basis to confirm they have completed an LIA
  - DPIA requirements
    Liaising with other trade bodies (in the UK, + IAB Europe), where possible

- Continued dialogue and engagement with the ICO on the above

Next steps

- Clear plan and roadmap to be provided to ICO for delivering each workstream
- Phased approach
- Prioritising special category data, data security, PECR legal basis education
- Formalising IAB UK industry response December 2019