

The Power of Direct:
Relevance. Responsibility. Results.



- Washington's Increasing Focus on Privacy Issues
- Post-Election Landscape
- Do Not Track Debate
- Self-Regulation for Online Behavioral Advertising
- Q&A



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Direct Marketing Association

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MARKETING NEWS

- 09/08/2010 Email Experience Council and Epsilon Release Q2 2010 North America Email Trend Results: Steady Open Rates
- 09/07/2010 DMA Releases Quarterly Business Review (QBR) for Q2 2010
- 09/07/2010 DMA Releases Quarterly Business Review (QBR) for Q2 2010
- 09/02/2010

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Moscone Convention Center
San Francisco, CA
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DMA^D
Direct Marketing Association

Legislative Action Center

Home | Take Action | Federal & State Legislation | Return to DMA Main | About DMA Advocacy

In The Spotlight

Learn more about DMA's fight against postal rate hikes and take action to support the Affordable Mail Alliance!

Read about other important DMA efforts:

- DMA's Fight Against FTC Expansion
- DMA Files Suit Against Colorado Anti-Marketing Law
- DMA Responds to Release of Draft Privacy Bill
- DMA Comments on FCC Robocall Rule Highlight Unintended Consequences
- Summary of House Subcommittee Hearing on Online Privacy

Latest News

- Obama antitrust enforcement looking like more of the same (Washington Post) Sep 8, 2010
- A housing market out of sync (Washington Post) Sep 5, 2010
- Home buyers, sellers out of sync (Washington Post) Sep 4, 2010

[View More News](#)

Take Action:

Direct Connect to Congress

Become a DMA Government Affairs Member

Key Issues

- Fighting Postal Rate Increases
- Keeping FTC Expansion Out of Financial Reform
- Self Regulation: Online Behavioral

Voter Resources

- Early / Absentee Voting Information
- My Candidates
- My Elected Officials

Federal & State Legislation

- H.R. 4173: Restoring American Financial Stability Act of 2010
- S. 3217: Restoring American Financial Stability Act of 2010



Washington's Increasing Focus on Privacy



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DMA 
Direct Marketing Association

Who are the “key players” on privacy legislation and regulation?

- Congress
- Federal Trade Commission (FTC)
- Federal Communications Commission (FCC)
- Department of Commerce

What could legislation and/or regulation impact?

- Collection of data
- Use of data for marketing purposes
- Sharing of data with third parties
- Innovation in the marketplace



Changes in the House...

- Republican control does not mean a reprieve
- Leadership battles for key committees

Increased Attention in the Senate...

- Sen. Rockefeller's recent company inquiries are telling
- Expect legislative proposals from Senators Pryor and Kerry

Bottom Line: Privacy is a bipartisan issue
...It's not going away.

The “Do Not Track” Debate

FTC “Exploring Privacy” Report

- New framework for consumer privacy
 - Privacy by Design
 - Simplified Choice
 - Greater Transparency
- Calls for “Do Not Track” List
- Public comments due January 31, 2011

The “Do Not Track” Debate

House Consumer Protection Subcommittee Hearing

- Examining concept of “Do Not Track”
- Testimony from FTC, Commerce

Commerce Internet Policy Task Force Report

- Under OMB review, expected in coming weeks
- Draft leaked to press recommends...
 - Baseline legislation built on FIPPs model
 - FTC rulemaking authority for privacy
 - Passage of data security legislation with breach notification

Self-Regulatory Program for Online Behavioral Advertising



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Self-Regulatory Program for OBA

Gives consumers enhanced notice and control over the collection and use of data regarding their Web viewing for OBA purposes or to the transfer of such data to a non-Affiliate for such purpose.

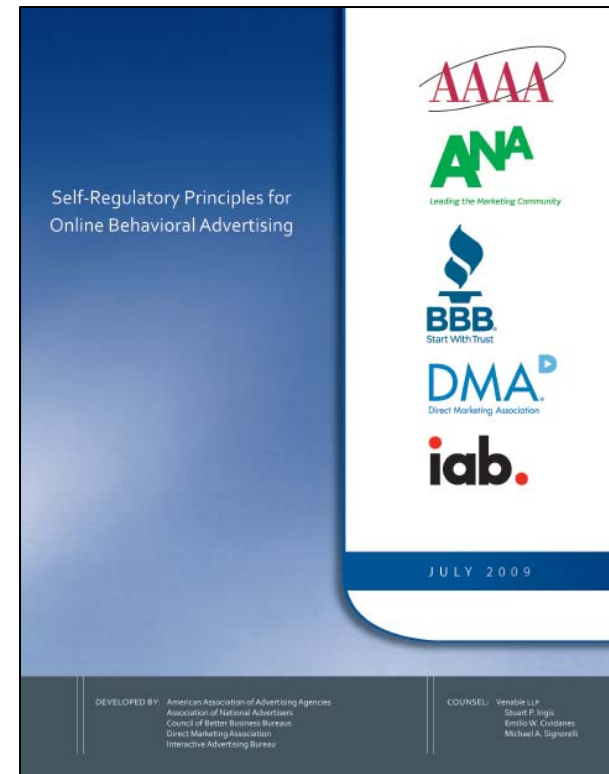
Provides specific implementation practices in support of the *Self-Regulatory Principles for Online Behavioral Advertising*.

Self-Regulatory Program for OBA

- Industry's response to the Federal Trade Commission's call for more robust and effective self-regulation of online behavioral advertising practices that would foster transparency, awareness and choice for consumers.
- A cross-industry self-regulatory initiative spanning the entire marketing-media ecosystem:
 - American Association of Advertising Agencies (4A's)
 - American Advertising Federation (AAF)
 - Association of National Advertisers (ANA)
 - Council of Better Business Bureaus (CBBB)
 - Direct Marketing Association (DMA)
 - Interactive Advertising Bureau (IAB)

Self-Regulatory Program for OBA

- Education
- Transparency
- Consumer Control
- Data Security
- Material Changes to Existing OBA Policies and Practices
- Sensitive Data
- Accountability



Released July 2009

Defining “Online Behavioral Advertising”

- Online behavioral advertising (“OBA”) is “the collection of data from a particular computer or device regarding Web viewing behaviors over time and across non-Affiliate Web sites for the purpose of using such data to predict user preferences or interests to deliver advertising to that computer or device based on the preferences or interests inferred from such Web viewing behaviors.”
- OBA does not include:
 - The activities of **First Parties** on own or affiliated sites.
 - **Ad delivery** using **Ad Reporting** data and not based on OBA inferences
 - **Contextual advertising** (i.e., advertising based on the content of the Web page being visited, a consumer’s current visit to a Web page, or a search query).

Who is Covered by the Program?

First Parties: Entities that own a Web site or have “Control” over the Web site with which the consumer interacts and its Affiliates.

- Web Site Publishers
- Web Site Operators

Third Parties: Entities that engage in OBA on a non-Affiliate’s Web site.

- Advertising networks
- Data Companies (Ad Exchanges and Data Aggregators)
- In some cases, Advertisers

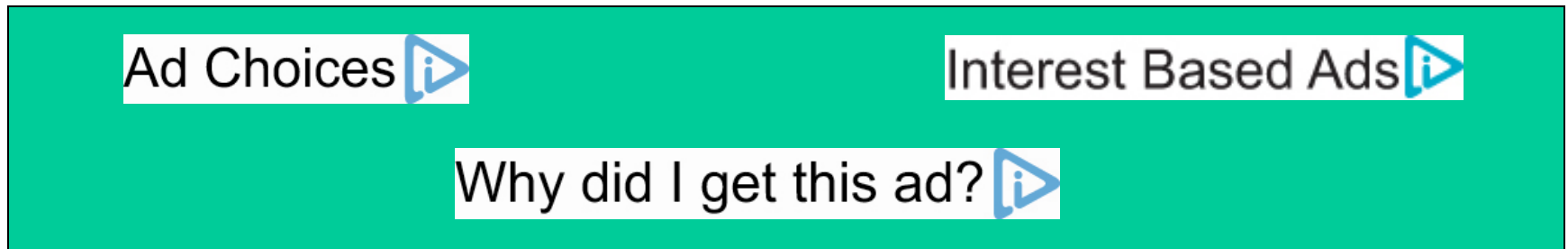
Service Providers: Entities that collect / use data from all or substantially all URLs traversed by a web browser across Web sites for OBA. Service Providers may provide:

- Internet access
- Search capabilities
- Web tool bars
- Internet browsers
- desktop applications
- Software, or other similar services

Requires “the deployment of multiple mechanisms for clearly disclosing and informing consumers about data collection and use practices associated with OBA.”

Advertising Option Icon

- The “Advertising Option Icon” and accompanying language should be displayed in or near online advertisements or on Web pages where data is collected and used for behavioral advertising.
- The Icon indicates adherence to the Principles.



- By clicking on the Icon, consumers will be able to link to:
 - a clear disclosure statement regarding the company’s OBA data collection and use practices.
 - an easy-to-use opt-out mechanism.

Third Party / Service Provider

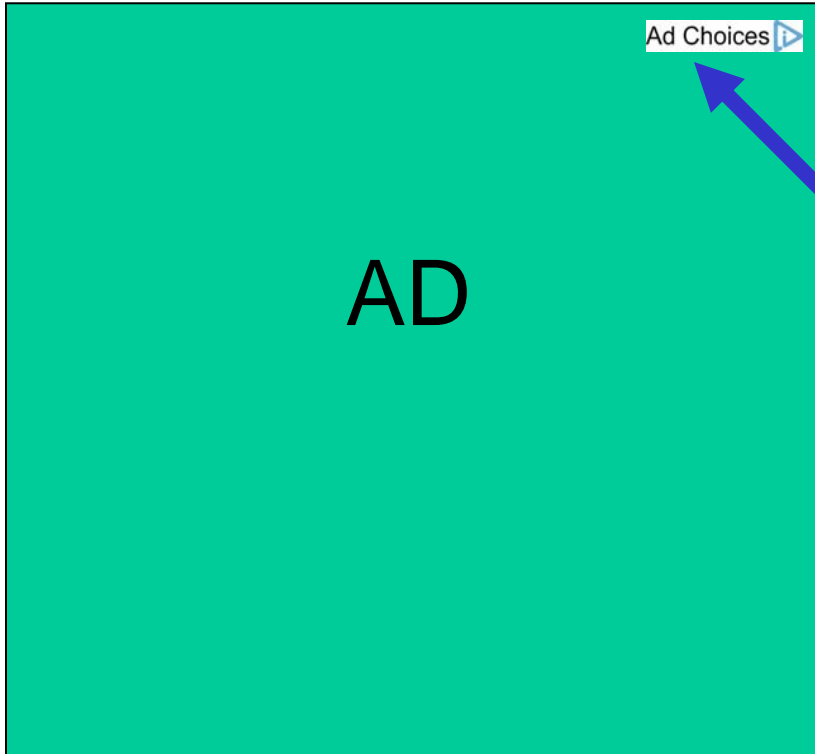
- Third Parties and Service Providers should provide clear, meaningful, and prominent notice on their web site that describes their OBA practices.
- This notice should include a clear description of:
 - Types of data collected online, including any PII for OBA purposes;
 - The use of data, including whether data will be transferred to a non-Affiliate for OBA purposes;
 - An easy to use mechanism for exercising choice with respect to collection and use of data for OBA purposes or to the transfer of such data to a non-Affiliate for such purpose; and
 - The fact that the entity adheres to these Principles.

Third Party Enhanced Notice

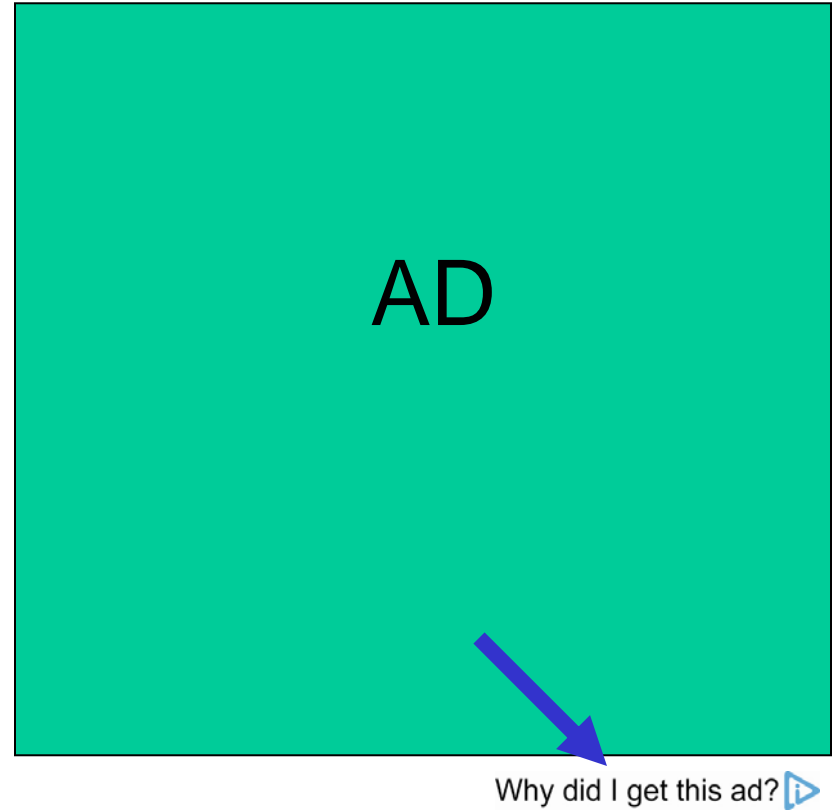
- A Third Party should provide enhanced notice of the collection of data through a clear, meaningful, and prominent link either...
 - In or around the ad delivered on the Web page where data is collected, or
 - On the Web page where the data is collected, if there is an arrangement with the First Party for the provision of such notice.
- Or be individually listed either...
 - On www.AboutAds.info (linked from the disclosure provided on the Web site where data is collected or used for OBA purposes), or
 - If agreed to by the First Party, in the disclosure on the Web page where data is collected for OBA purposes.

Notice In or Around the Ad

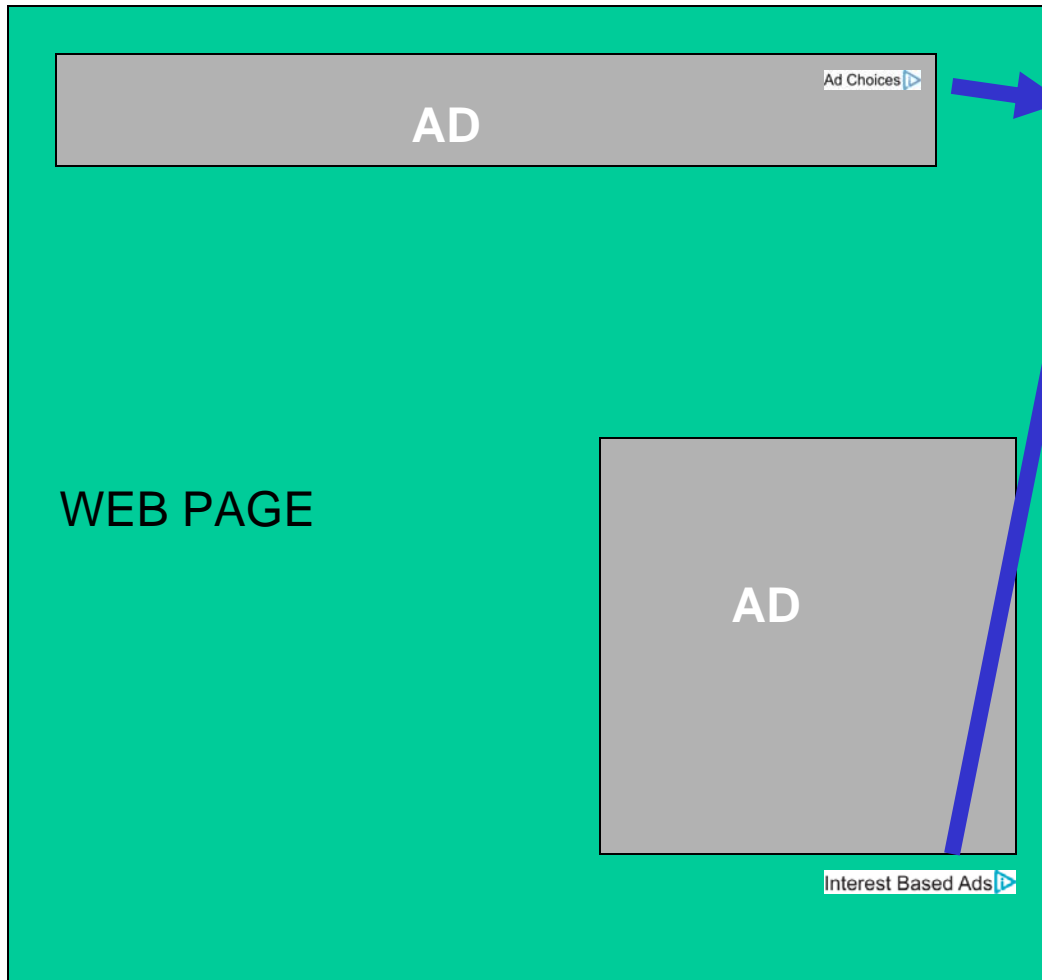
In the Ad...



Around the Ad...



Third Party Enhanced Notice



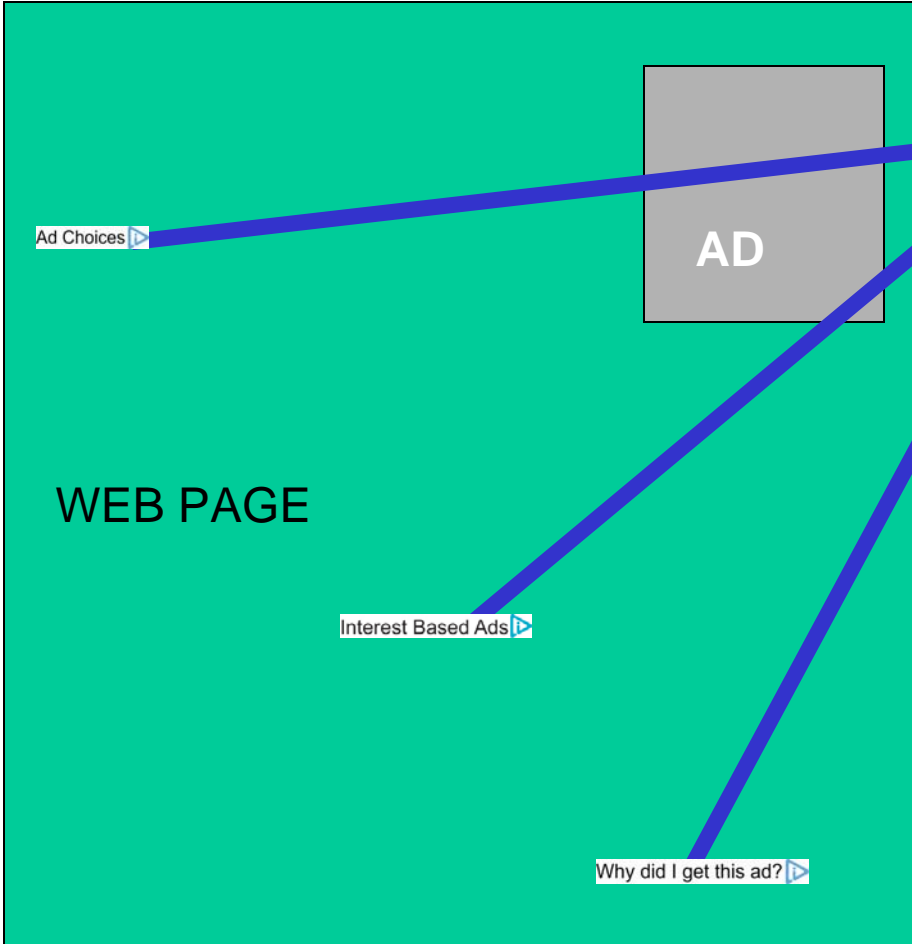
Links to...

Notice on Your (Third Party)
Web site re: OBA practices

First Party Enhanced Notice

- When data is collected from or used on a Web site for OBA purposes by a Third Party, the Web site operator should include a clear, meaningful, and prominent link on the Web page where the data is collected or used.
- The link should connect to a disclosure that either –
 - points to www.AboutAds.info or
 - Individually lists Third Parties and links to the notice of each third party
- The link to the disclosure should be distinct from the link to the website operator's privacy policy and link either to statement separate from the site's privacy policy or directly to the relevant section of the statement where the disclosure is located.

First Party Enhanced Notice

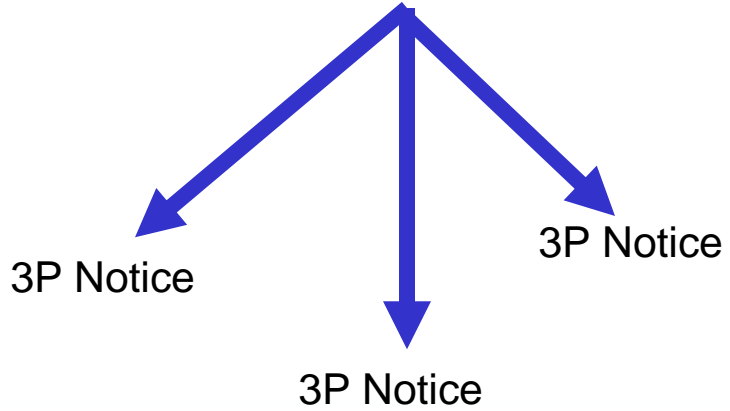


Links to your (First Party) notice re: OBA practices, which links to...

www.AboutAds.info

Or...

Includes a list of - and links to - each Third Party



Consumer Control Principle

Provides for mechanisms that will give users of Web sites at which data is collected for OBA purposes the ability to choose whether data is collected and used or transferred to a non-affiliate for such purposes.

Third Party

- A Third Party should provide consumers with the ability to exercise choice with respect to...
 - the collection and use of data for OBA purposes.
 - the transfer of OBA data to non-affiliates for OBA purposes.
- In all cases, the choice mechanism should be easy-to-use and located with own Web site notice or on the industry-developed page.

Consumer Opt-Out Page

- The Consumer Opt-Out Page on www.AboutAds.info will give consumers the ability to conveniently opt-out of some or all participating companies' online behavioral ads, if they choose.
- Organizations can now register to participate and be listed on the Consumer Opt-Out Page.

OPT OUT FROM ONLINE BEHAVIORAL ADVERTISING (B E T A)

Home About the Principles For Consumers For Participating Companies Participating Associations Contact

Welcome to the consumer opt out page for the [Self-Regulatory Program for Online Behavioral Advertising](#). Our participating companies are committed to transparency and choice.

Some of the ads you receive on Web pages are customized based on predictions about your interests generated from your visits over time and across different Web sites. This type of ad customization — sometimes called "[online behavioral](#)" or "[interest-based](#)" advertising — is enabled through your computer browser and [browser cookies](#). Such online advertising [helps support the free content, products and services you get online](#).

Using the tools on this page, you can opt out from receiving interest-based advertising from some or all of our participating companies.

- Find out which participating companies have currently enabled customized ads for your browser;
- See all the participating companies on this site and learn more about their advertising and privacy practices;
- Check whether you've already opted out from participating companies;
- Opt out of browser-enabled interest-based advertising by some or all participating companies, using [opt-out cookies](#) to store your preferences in your browser; or
- Use the "Choose All Companies" feature to opt out from all currently participating companies in one step. [Go](#)

Help with the Opt Out Page

How Interest-based Ads Work

Feedback on This Site

All Participating Companies (58) SHOW

Companies Customizing Ads For Your Browser (40)

Existing Opt Outs (1) SHOW

These 40 participating companies have enabled interest-based ads for this web browser.

Click the company name to find out more about a participating company. To opt out from interest-based ads by one or more companies, check the box(es) in the "Select" column next to the company name(s), and then hit the "Submit your choices" button. You can also use click the "Select all shown" box to pre-check all the listed

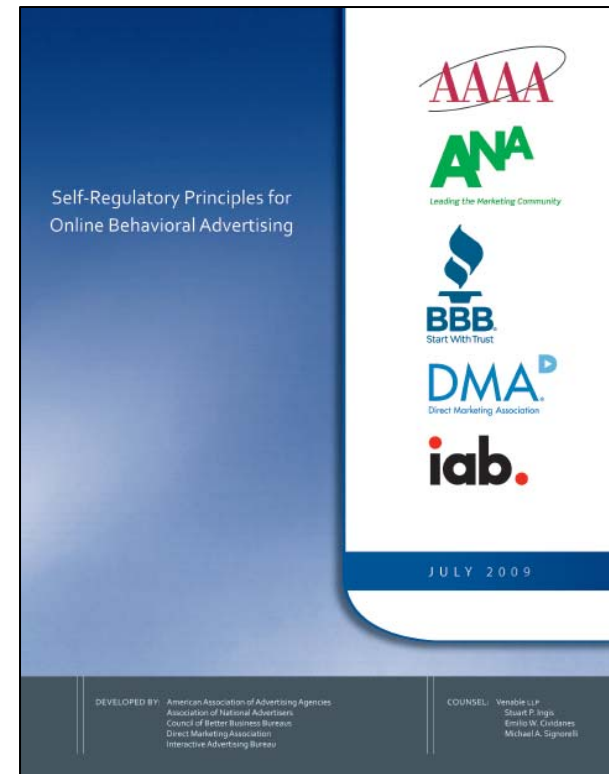
COMPANY NAME	SELECT ALL SHOWN <input type="checkbox"/>
aCerno	<input type="checkbox"/>
AdBrite, Inc.	<input type="checkbox"/>
Adconion	<input type="checkbox"/>
Adify Corporation	<input type="checkbox"/>
Akamai Technologies, Inc.	<input type="checkbox"/>
AlmondNet	<input type="checkbox"/>
AOL Advertising	<input type="checkbox"/>

Service Provider

- Obtain a consumer's consent **prior to** collecting and using data for OBA purposes. Consent requires an individual's action in response to a clear, meaningful and prominent notice.
- The consent requirement applies to you only when engaging in OBA activities in your capacity as a Service Provider
- Once you have obtained consent to collect and use data for OBA purposes, you should provide consumers with an easy-to-use choice mechanism to withdraw their consent for the collection and use of that data for OBA purposes.

Self-Regulatory Principles for OBA

- Education
- Transparency
- Consumer Control
- Data Security
- Material Changes to Existing OBA Policies and Practices
- Sensitive Data
- Accountability



Released July 2009



iab. privacy matters VIEW THE PRIVACY MATTERS CAMPAIGN 01 02
Understanding Online Advertising

THE TRUTH ABOUT DATA PRIVACY

UNDERSTANDING ONLINE ADVERTISING

All advertising seeks to target the right products to the right audience, and makes possible low- or no-cost content and services. Most online ads aren't matched to you as an individual, but to data categories —such as demographics, interest groups, location,

- More than 600 million online PSAs
- Consumer Education about benefits of OBA and availability of choice / tools
- Business Education about compliance with Principles

ADVERTISEMENT

HEY! THIS BANNER AD CAN TELL WHERE YOU LIVE! MIND IF WE COME OVER AND SELL YOU SOME STUFF?
We're kidding, actually, no banner ad can tell where you live. But ad servers use cookies to tell what general region you live in and target their ads accordingly. If the privacy issues around your personal data interest you, won't you click to join us over **on our site** to find out more and join our conversation? We'd love to have you participate. Thank you!

STUFF?

iab.

Data Security Principle

Requires entities to provide appropriate security for, and limited retention of, data collected and used for online behavioral advertising purposes.

Additional data security requirements apply to Service Providers.

Material Changes Principle

- Obtain consumer consent before making any material changes to your OBA data collection or use policies and practices. A material change might be a decision to use or share previously collected OBA data in a new way.
- A change that results in less collection or use of OBA data would not be considered material for purposes of the Principles.
- Consent requires an individual's action in response to a clear, meaningful and prominent notice.

Third Party / Service Provider

Certain data collected and used for OBA purposes merits different treatment.

Apply heightened protection for children's data by applying the protective measures set forth in COPPA.

Obtain consent for collection of financial account numbers, SSNs, pharmaceutical prescriptions, or medical records about a specific individual for OBA purposes.

Accountability Principle

- Both the CBBB and the DMA will play roles in ensuring compliance and enforcement of the Program, as well as consumer complaint resolution.
- Monitoring technology will be used to foster accountability among participating companies with respect to the Transparency and Control requirements of the Principles.
- All DMA members – as a condition of membership – are required to comply with the DMA's *Guidelines for Ethical Business Practice*, which have been expanded to include the Principles.

Option 1: Succeed in Effective Self-Regulation

Option 2: Do Not Track
Do Not Innovate
Do Not Grow Your Business
Do Not Create Jobs
Do Not Grow the Economy

1. Visit www.AboutAds.info

SELF-REGULATORY PRINCIPLES FOR ONLINE BEHAVIORAL ADVERTISING

Home

About the Principles

For Consumers

For Participating Companies

Participating Associations

Contact



Advertising Option Icon

Welcome to the online home of the Self-Regulatory Program for Online Behavioral Advertising.

Building on the [Self-Regulatory Principles for Online Behavioral Advertising](#) (Principles) released in July 2009, the nation's largest media and marketing associations have come together to launch this Program, which gives consumers a better understanding of and greater control over - the online behavioral advertising (OBA) they receive.

Our participating companies share a commitment to delivering consumers a robust and credible Program of notice and choice for online behavioral advertising, and to enhancing consumer confidence in the online medium.

For Companies

Learn about the Program: To understand how this Program came about, you can read about the [Principles](#), as well as find out more about the participating [Associations](#). To learn how your company can implement the Principles, please review the [Implementation Guides](#).

Register to Start Using the Advertising Option Icon: Companies participating in the Program may use the Advertising Option Icon as a means for providing enhanced notice of online behavioral advertising practices. If



2. Review the Implementation Guides

INFORMATION FOR INTERESTED COMPANIES

Home About the Principles For Consumers For Participating Companies

Participate in the Self-Regulatory Program: Company Information

Start Using the Advertising Option Icons:



Leading marketing and advertising industry associations have established a comprehensive, self-regulatory program and implemented consumer-friendly principles and enforcement standards regarding online behavioral advertising.

A prominent feature of this program is the call for entities engaged in online advertising to clearly inform consumers about data collection and use practices through enhanced notice provided via an icon (illustrated above) or link. Entities participating in the program may use the Advertising Option Icon and one of the approved wordings to represent adherence to the *Self-Regulatory Principles for Online Behavioral Advertising* and as a means for providing enhanced notice of online behavioral advertising practices.

If your organization is interested in finding out about how to acquire the Advertising Option Icon connection with the self-regulatory program, please visit the [registration page](#) for instructions.

Register for the Consumer Opt-Out Page:

Third Parties engaged in online behavioral advertising are encouraged to participate in the Consumer Opt-Out Page, where consumers will be able to easily opt-out of some or all participating companies' online ads, if they choose. If your company is interested in being listed on the Consumer Opt-Out Page, please contact us to receive information and get started.

Please note that participation in these programs requires separate registration and fees.

Self Regulatory Principles for Online Behavioral Advertising Implementation Guide

– What Everyone Needs To Know –

Leading marketing and advertising industry associations have established a comprehensive, self-regulatory program and implemented consumer-friendly principles and enforcement standards regarding online behavioral advertising.

Defining Online Behavioral Advertising

Online behavioral advertising ("OBA") is defined as the practice of collecting "data from a particular computer or device regarding Web viewing behaviors over time and across non-Affiliate Web sites for the purpose of using such data to predict user preferences or interests to deliver advertising to that computer or device based on the preferences or interests inferred from such Web viewing behaviors." The purpose of OBA is to deliver relevant advertising to specific computers or devices in ways that enrich the consumer online experience.

As defined in the *Self-Regulatory Principles for Online Behavioral Advertising* ("Principles"), OBA does not include:

- The activities of First Parties (Web site publishers / operators) that are limited to their own or affiliated sites.
- Ad delivery (i.e., delivery of online advertisements or advertising-related services using Ad Reporting data and not based on user preferences inferred from information collected over time and across non-affiliated Web sites);
- Ad reporting (i.e., the collection or use of information for statistical reporting, Web analytics/analysis and advertising metrics); or
- Contextual advertising (i.e., advertising based on the content of the Web page being visited, a consumer's current visit to a Web page, or a search query).

About the Principles

The industry-wide effort to develop consumer-friendly standards for OBA activities across the Internet was led by a coalition of the nation's largest media and marketing trade associations, including the American Association of Advertising Agencies (AAAA), the Association of National Advertisers (ANA), the Direct Marketing Association (DMA), and the Interactive Advertising Bureau (IAB), and supported by the Council of Better Business Bureaus (BBB). This unprecedented collaboration responds the Federal Trade Commission's call to the advertising and media industry to develop self-regulatory principles and practices for OBA.

In July 2009, the Associations jointly released the [Self-Regulatory Principles for Online Behavioral Advertising](#) (the "Principles"), which are intended to apply broadly to the diverse set of actors that work interdependently to deliver relevant advertising intended to enrich the consumer online experience.



3. Register for Use of the Advertising Option Icon

ICON FOR ENHANCED NOTICE - APPLICATION INFORMATION

Home	About the Principles	For Consumers	For Participating Companies	Participating Associations	Contact
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Advertising Option Icon Application

A prominent feature of the Self-Regulatory Program for Online Behavioral Advertising is the call for entities engaged in online behavioral advertising to clearly inform consumers about data collection and use practices through enhanced notice provided via an icon (illustrated below) or link.

Entities participating in the program may use the Advertising Option Icon and one of the approved wordings to represent adherence to the *Self-Regulatory Principles for Online Behavioral Advertising* (Self-Regulatory Principles) and as a means for providing enhanced notice of online behavioral advertising practices. The word phrases are: "Why did I get this ad?", "Interest Based Ads", or "Ad Choices". The icon is depicted below.



Fees

The fee to acquire the icon is \$5,000 and is renewable annually. There is no fee for web publishers with annual revenues from online behavioral advertising of less than \$2,000,000.

Process

After registering online, you will receive a confirmation email to complete the registration process. Delivery and use of the icon will be contingent on the execution of a registration agreement and receipt of payment (if applicable). When you receive the icon you will also receive the Ad Marker Creative Guidelines governing use of the icon.

Compliance

The Program has chosen Approved Provider to provide compliance services for companies who use the Advertising Option Icon. Currently, the following company is an Approved Provider:



4. Register to Participate in the Consumer Opt-Out

PARTICIPATING COMPANY INFORMATION						
Home	About the Principles	For Consumers	For Participating Companies	Participating Associations	Contact	

Consumer Opt Out Information Registration

Third Parties engaged in online behavioral advertising are encouraged to participate in the Consumer Opt-Out Page, where consumers will be able to easily opt-out of some or all participating companies' online behavioral ads, if they choose.

If your company is interested in participating in the cross-industry Self-Regulatory Program and being listed on the Consumer Opt Out Page, please complete the registration form below to receive application materials and updates regarding the application process.

Company Name: *

Company Address: *

Description: *

Enter a short description of your company's business model

Contact Name: *

Contact Email: *

Contact Phone: *

Relevant Association(s): *

List the relevant associations in which your company



FOR CONSUMERS

[Home](#)

[About the Principles](#)

[For Consumers](#)

[For Participating Companies](#)

[Participating Associations](#)

[Contact](#)

Understanding Online Advertising

All advertising seeks to target the right products to the right audience, and makes possible low- or no-cost content and services. Most online ads aren't matched to you as an individual, but to data categories -- such as demographics, interest groups, location, or online behavior. The Web sites you visit work with online advertising companies to provide you with advertising that is as relevant and useful as possible.

- [What is online behavioral advertising?](#)
- [What are your choices?](#)
- [Understanding Cookies.](#)
- [Browser Controls.](#)

What is Online Behavioral Advertising?

Online behavioral advertising -- which is also sometimes called "interest-based advertising" -- uses information collected across multiple, non-affiliated web sites that you visit in order to predict your preferences and to show you ads that are most likely to be of interest to you.

You can learn a great deal more about interest-based advertising, as well as review a variety of explanatory videos, by visiting the following sites:

- [The IAB's Privacy Matters website](#)
- [The NAI's Learn More page](#)

What are Your Choices?



Questions?

If you have a question, please submit it using the chat functionality at the left of your screen.

Other resources:

- The Principles available at www.AboutAds.info
- Implementation Guides available at www.AboutAds.info
- Compliance services provided by Approved Providers

Thank You!

lwoolley@the-dma.org

rthomas@the-dma.org

nokeefe@the-dma.org

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