



REDCL^{VER}
ADVISORS

DATA PRIVACY



WE'RE ONLINE DATA STRATEGY & DATA PRIVACY EXPERTS

security
marketing
privacy **technology**
confidential
consumers
legal pixels
digital rights
access
online
tracking
information
advertising
individual
data
protection
policy
targeting

**DATA COLLECTION
& SELLING**



TARGETING

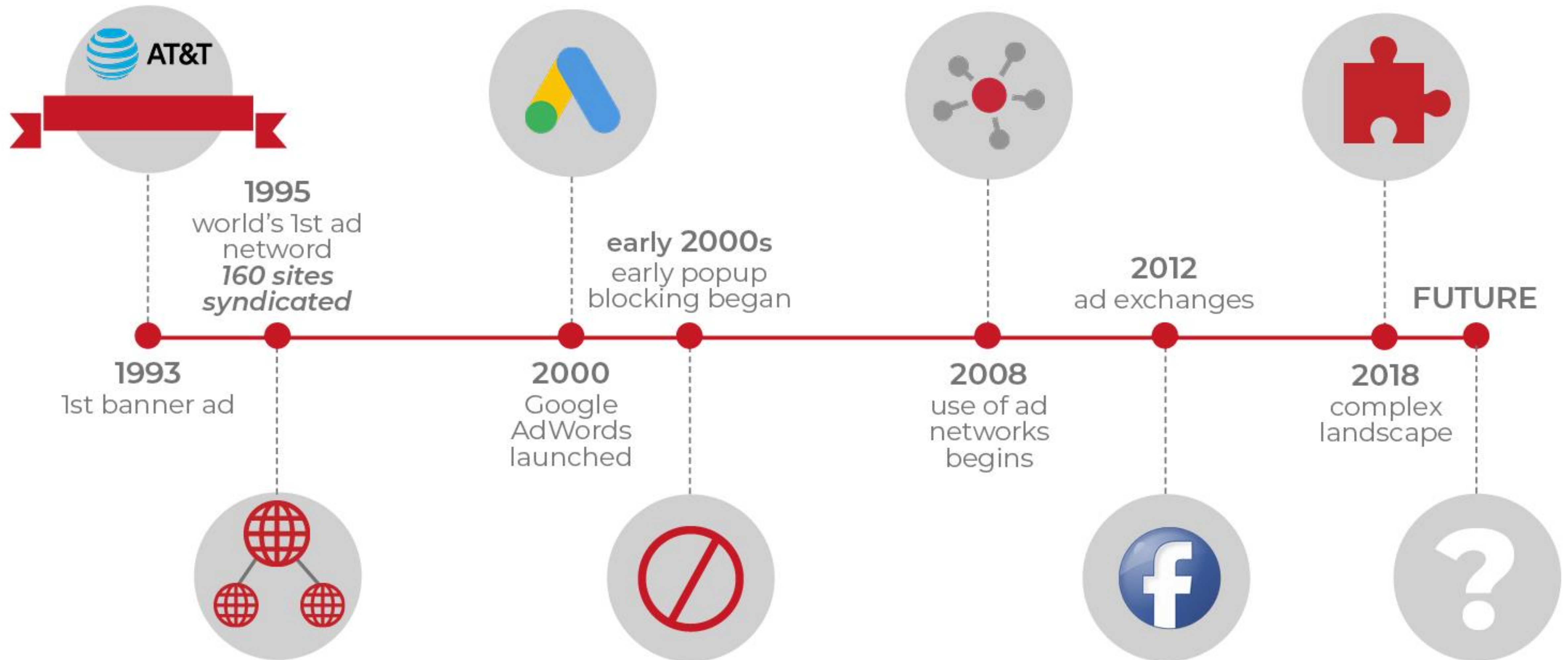


TRACKING




PRIVACY

Ad Tech Evolution

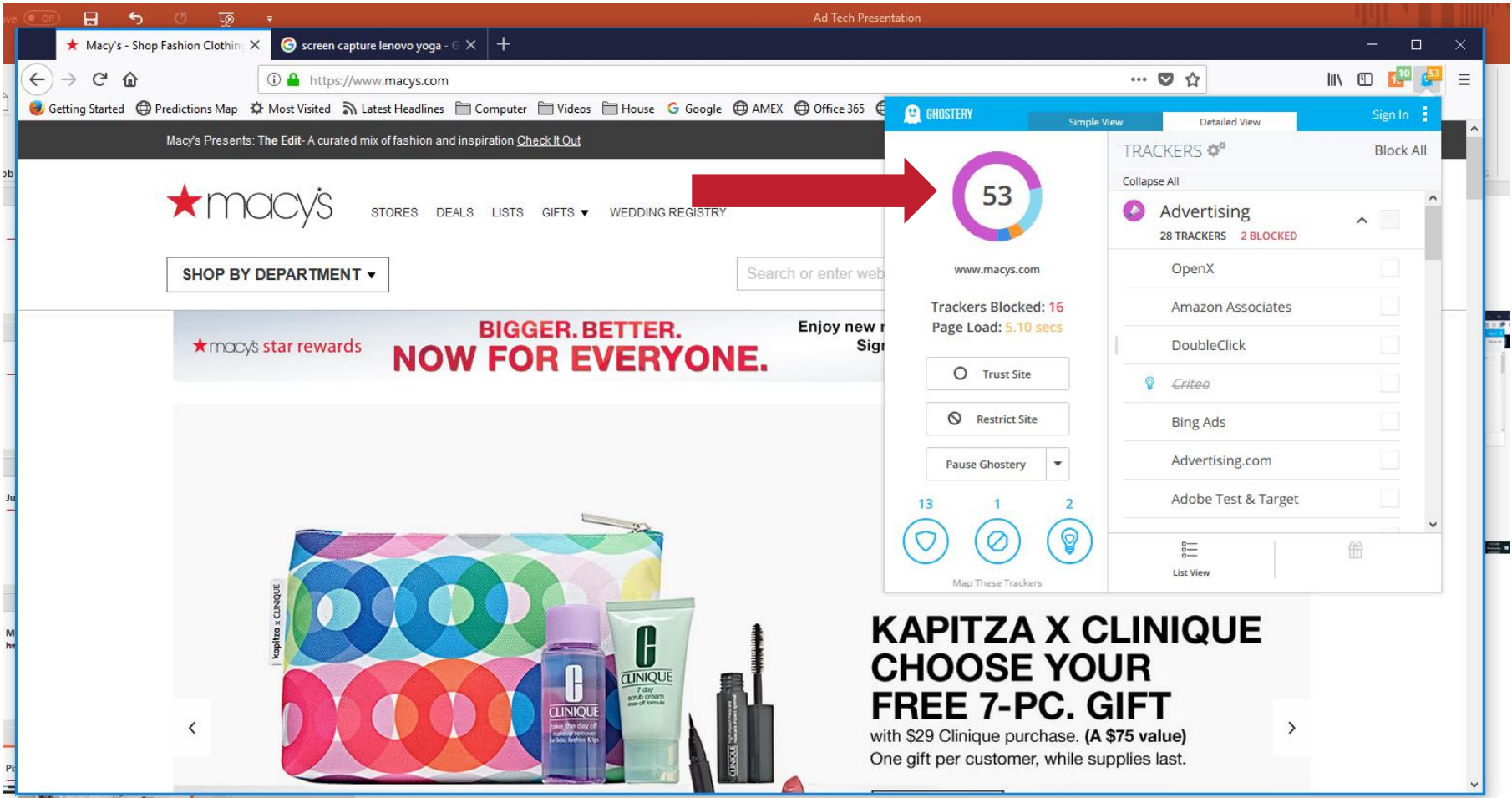
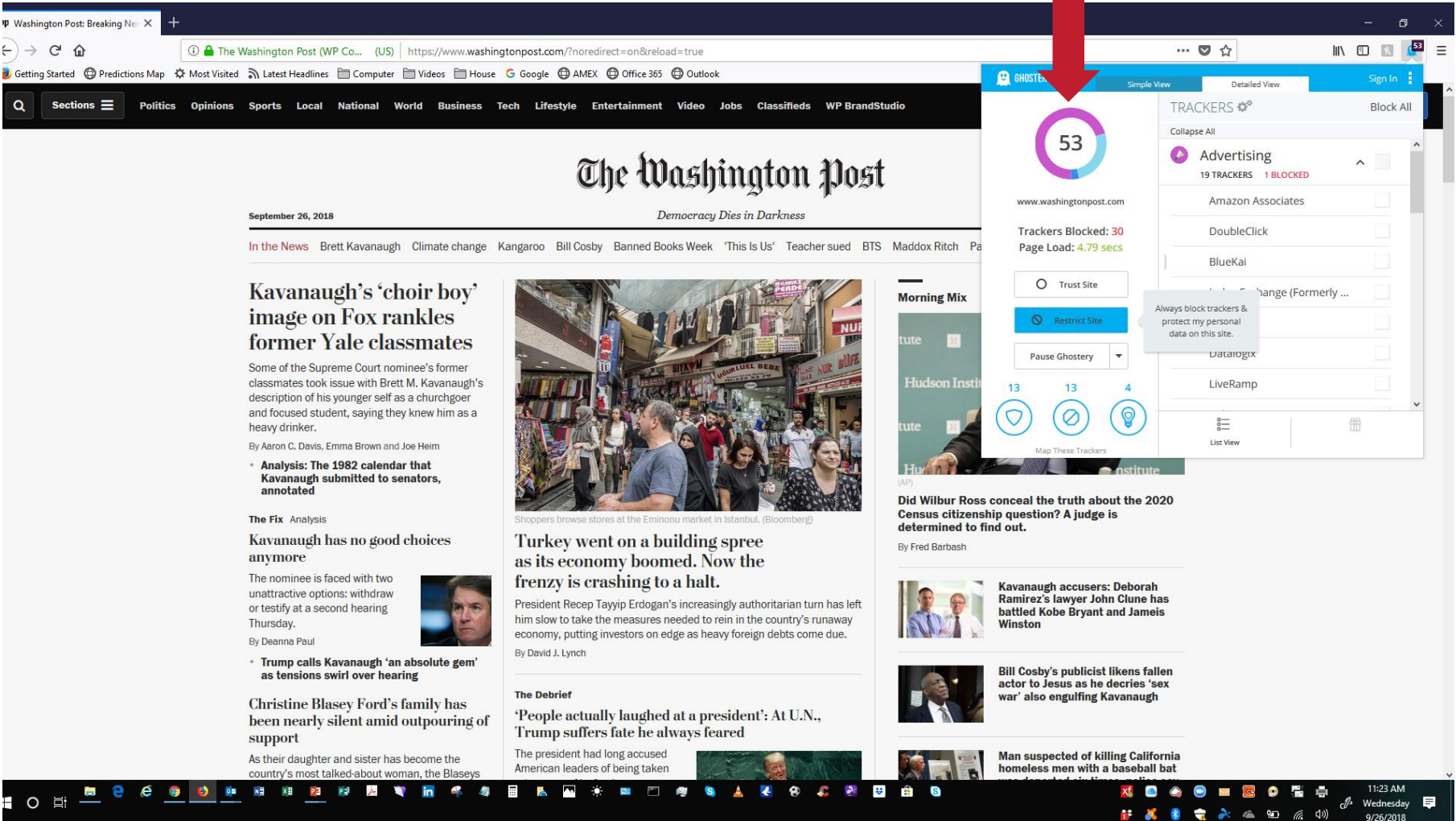
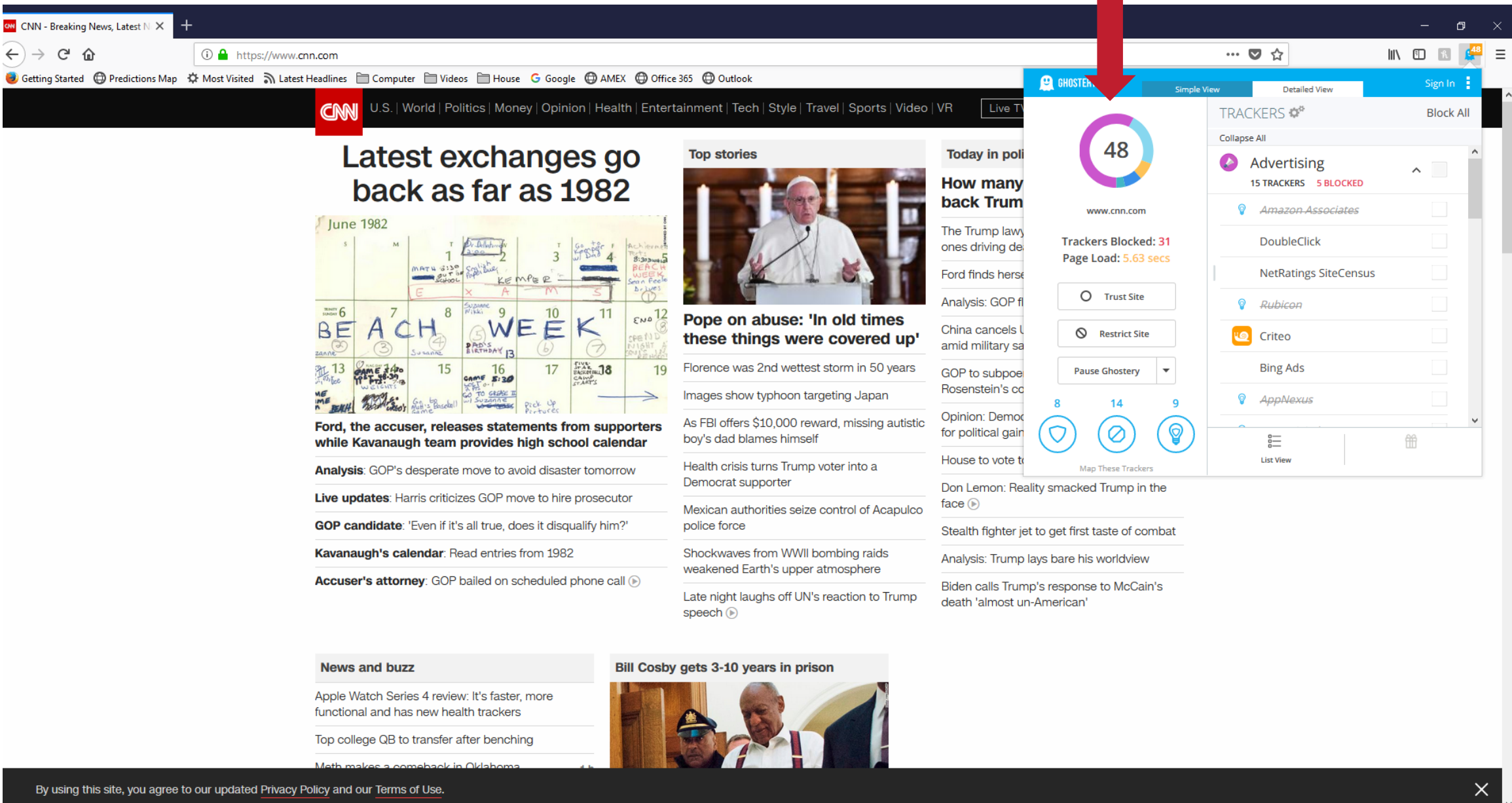


CROSS-DEVICE TRACKING



Analytics and Cookies

Pixel Overload



Why care about pixel governance

- ▶ Data leakage
- ▶ Security risks
- ▶ Latency
- ▶ Inaccurate cookie notices





Pixel Governance Process

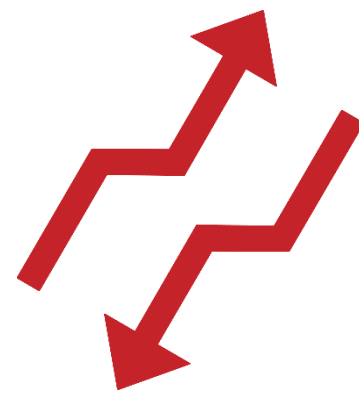
- ▶ Signed Contracts



- ▶ Vendor Due Diligence

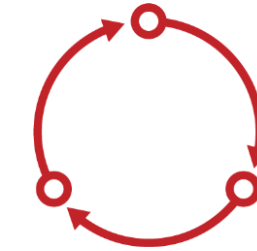
- ▶ Clear expectations on data use, collection, sharing

- ▶ Plan for when pixels go up and down



- ▶ Central ownership

- ▶ Repeatable process



- ▶ Accurate cookie notices

- ▶ Ability to manage individual rights

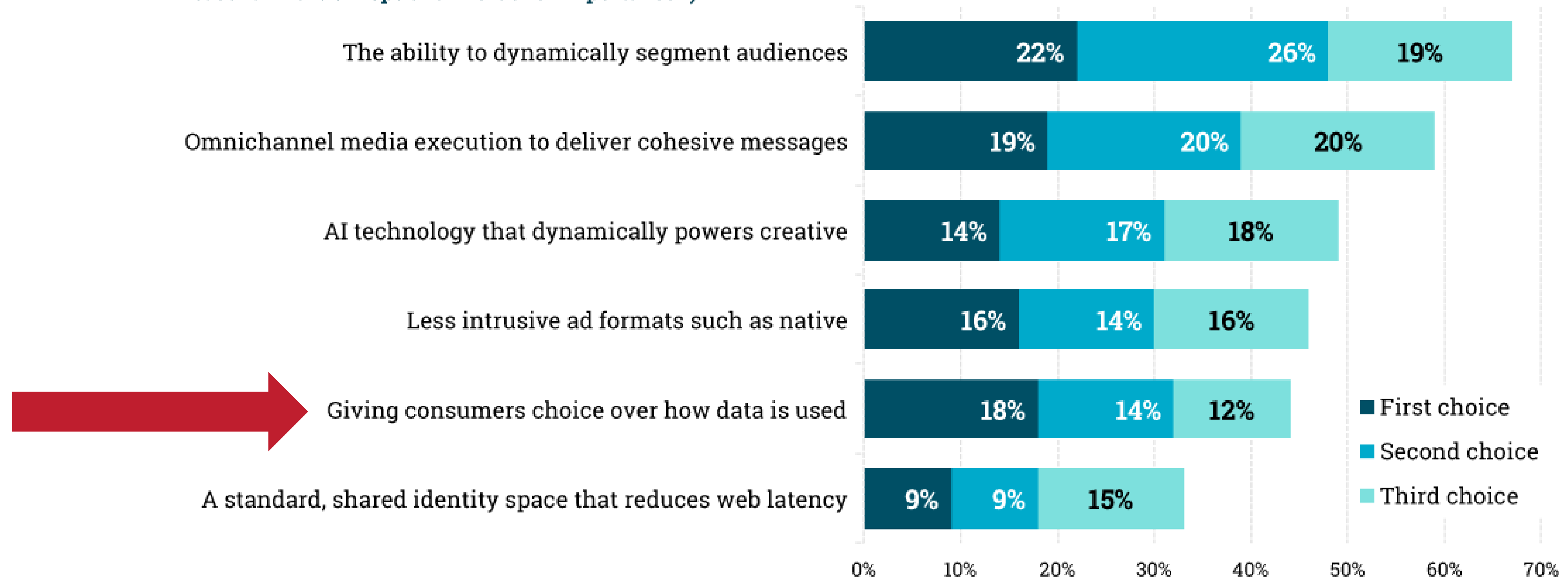
- ▶ GDPR compliant



Consumers care about *how* data is used

How Advertisers* Can Improve the Consumer Experience

(Over the next five years, what would help improve the customer experience in advertising?
Please rank the six options in order of importance.)



Published on MarketingCharts.com in September 2018 | Data Source: MediaMath / Econsultancy

* Based on responses from 258 executives involved in digital advertising, most of whom are based in the UK and US



Who does GDPR apply to?

Why everyone should

care about GDPR?



GDPR's NonCompliance Consequences

GDPR Compliance Failure

Fines: €20 million or up to 4% of their worldwide turnover (whichever is higher) for serious breaches & "class action" public interest option

Brand Reputation, Loss of Customers & Negative PR



Data Controllers

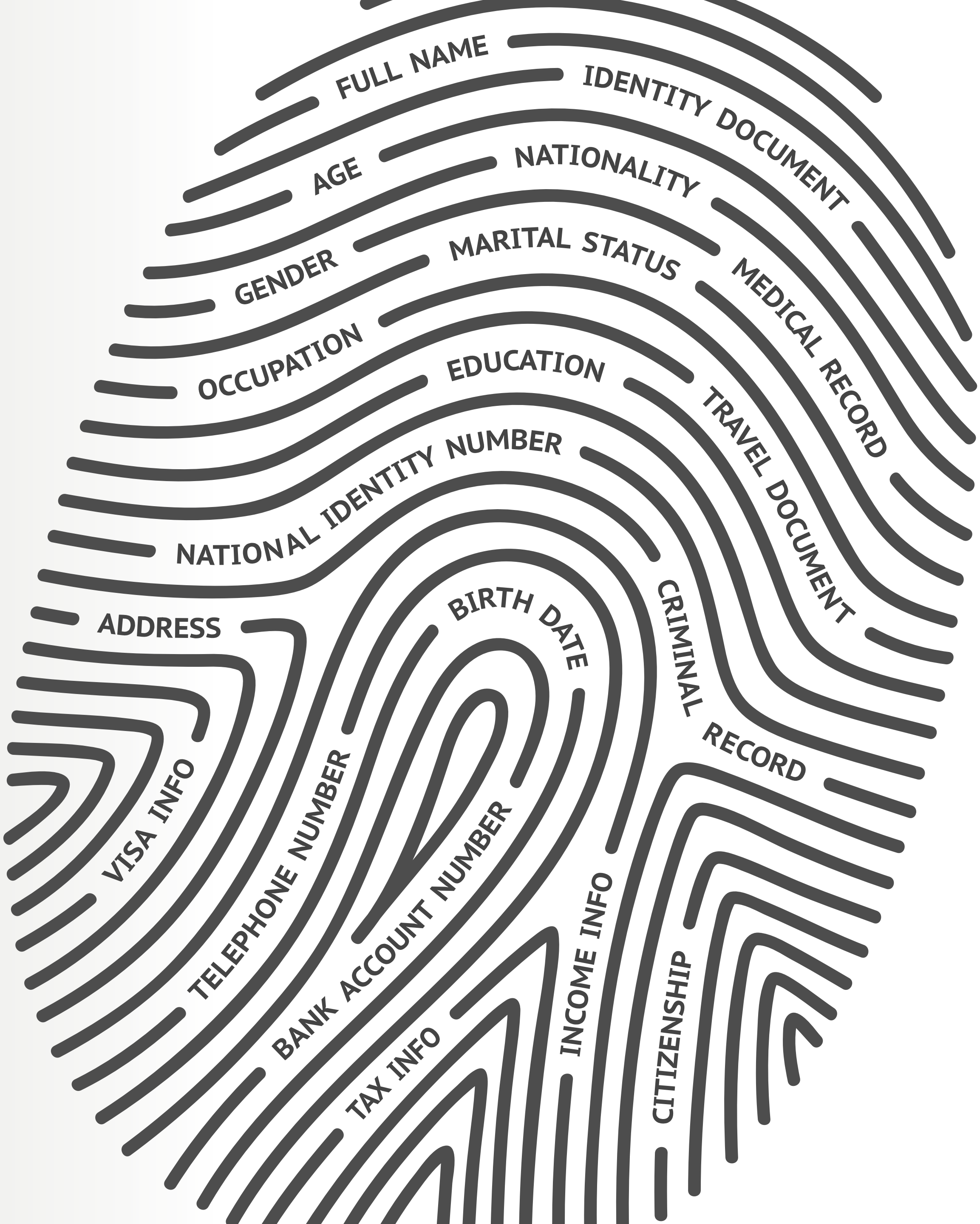
vs.

Data Processors



PERSONAL DATA

Personal Data Examples



Examples of Online Identifiers

- ▶ Any moniker used for online presence-social media, e-mail, instant messenger
- ▶ ID number
- ▶ Geolocation
- ▶ IP addresses
- ▶ "Cookies"
- ▶ Etc.



Sensitive Personal Data

- **EU Definition:** Personal data is any information about a living individual who could be identified from that data, either on its own or when combined with other information.

There is also a classification called “sensitive personal data”, which means any information concerning an individual’s:

- ▶ Racial or ethnic origin
- ▶ political opinions,
- ▶ religious or philosophical beliefs,
- ▶ trade union membership,
- ▶ health data,
- ▶ genetic data,
- ▶ biometric data,
- ▶ sex life or sexual orientation,
- ▶ past or spent criminal convictions.



GDPR Individual Rights

with personal data

- ▶ Right of **access**
- ▶ Right of **rectification**
- ▶ Right to **erasure** (right to be forgotten)
- ▶ Right to **restrict processing**
- ▶ Right of **data portability**
- ▶ Right to **object to processing**
- ▶ Right to **not be evaluated** on the basis of automated processing



CALIFORNIA CONSUMER PRIVACY ACT



CCPA

Applicability

The CCPA applies to businesses, which are defined as for-profit organizations that collect personal information about residents in California, determine the purpose and means of the processing, does business in the State of California, and that meets one or more of:

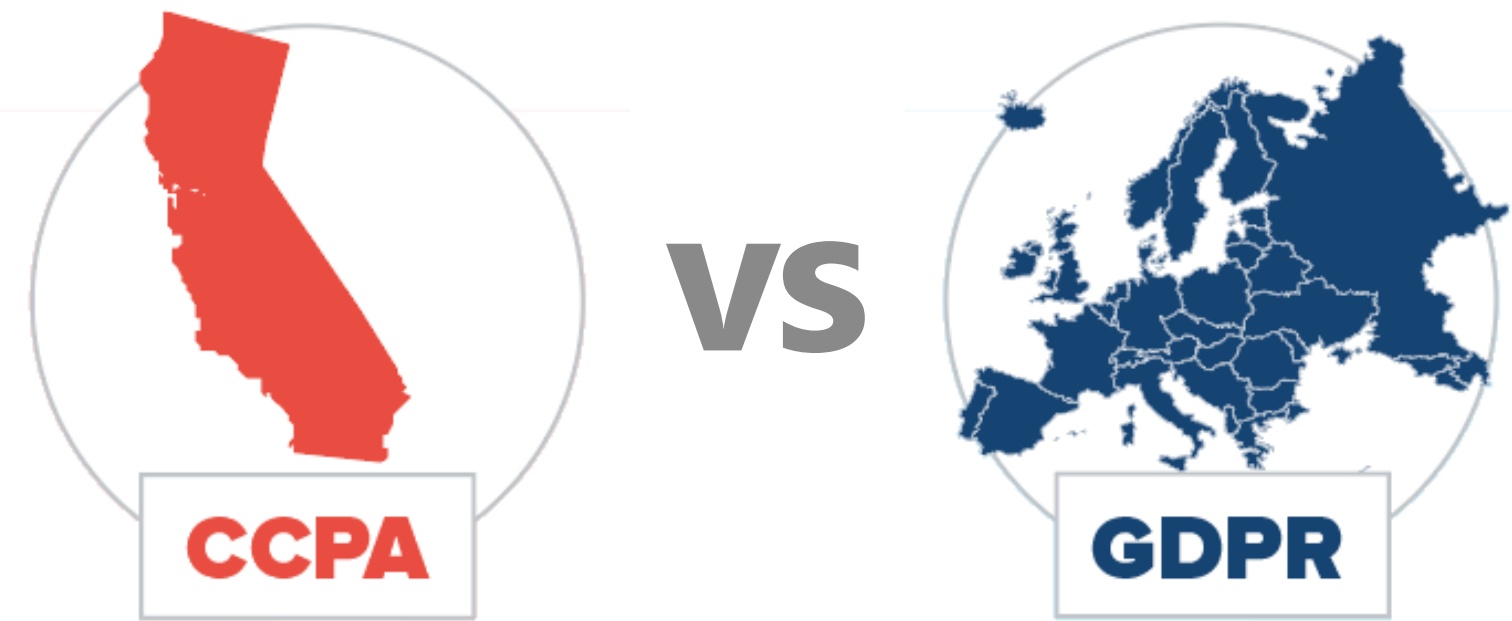
- ▶ (i) annual gross revenues in excess of twenty-five million dollars (\$25,000,000),
- ▶ (ii) alone or in combination, annually buys, receives, sells, or shares for commercial purposes, the personal information of 50,000 or more consumers, households, or devices, or
- ▶ (iii) derives fifty percent or more of its annual revenues from selling consumers' personal information [1798.140 (c)].

Out of scope: those complying with other federal privacy laws such as HIPAA and GLBA



VS





PERSONAL INFORMATION:

- ▶ CCPA: the definition of personal information (or PII) includes information that relates to the consumer or his or her **household**,
- ▶ CCPA personal information definition includes inferences drawn from data.
- ▶ GDPR personal information is limited to information relating to the consumer only. Data that identifies a household is a lot broader than data that identifies an individual.
- ▶ GDPR does not include inferences drawn from data

INDIVIDUAL RIGHTS:

- ▶ CCPA consumer can make a deletion request for any reason
- ▶ GDPR allows for a deletion request based on six grounds (i.e., data no longer necessary, consent withdrawn, objection made, unlawful processing, compliance with EU law, data collected in relation to the offer of services to a child).

- ▶ CCPA, once request verified, the business must disclose and deliver free of charge the required information within 45 days of receiving the verifiable request. The information is to be delivered in a readily useable format so that the consumer may readily transfer his or her information to another business.
- ▶ GDPR, the right of portability is not absolute. It applies only if the lawful basis for processing the information is consent or contractual necessity.

Individual **Rights**

- ▶ Access - requires businesses to disclose categories and specific pieces of personal information such as:
 - ▶ Categories: shared with third parties, sources from which personal information shared, personal information has collected about that individual, data sold about the individual and the business purpose for selling the data
- ▶ Delete – requires business to delete any personal information
- ▶ Do Not Sell and Equal Service



Do Not Sell My Personal Information

- ▶ Businesses must notify users
- ▶ Requires opt-in consent from minors
- ▶ Mandatory “Do Not Sell My Personal Information,” link on homepage
- ▶ Non-discrimination on services for exercising CCPA rights
- ▶ Businesses may charge a different price if the price difference reasonably related to value of individuals’ data



NOTICE

Transparency

Say what you do,
do what you say

© MARK ANDERSON

WWW.ANDERTOONS.COM



"Before I write my name on the board, I'll need to know how you're planning to use that data."

Privacy Notice



- ▶ Privacy notices need to be updated (above and beyond GDPR)
- ▶ Required to disclose and deliver the sources of information, the categories of information and the specific pieces of consumer information that are collected, sold or disclosed for a business purpose, as well as provide special notice to **a particular** consumer (above and beyond the privacy policy).

Privacy and Cookie Notices



Privacy Notice

- ▶ It's a **dynamic living** document
- ▶ Should have **plain language and digestible**
- ▶ Needs to be **understood beyond legal**
- ▶ Captures **data use, collection and sharing**
- ▶ Reviewed at **least annually** and with **each new project**
- ▶ Available at **all places where personal data is captured**

Cookie Notice

- ▶ It's a **dynamic living** document
- ▶ Should have **plain language and digestible**
- ▶ Needs to be **understood beyond legal**
- ▶ Captures **active cookies on the site**
- ▶ **Separate sections for each type** of cookie
- ▶ Provides users options to **opt in/out**
- ▶ Reviewed with **each new cookie** on the site
- ▶ Available **all places where personal data captured**

Privacy Policy ▶

Cookie Policy ▼

By clicking "Accept All Cookies," you agree to the storing of cookies on your device to enhance site navigation, analyze site usage, and assist in our marketing efforts. [Cookie Notice](#)

> [Customize Settings](#)

✓ Accept All Cookies

2

OUR COOKIE POLICY

This website uses cookies. By continuing, we assume that you accept such use. Learn more about cookies and how to refuse them at this [link](#).

Ok

3

We use cookies to offer you a better browsing experience, analyze site traffic, personalize content, and serve targeted advertisements. Read about how we use cookies and how you can control them by clicking "Cookie Settings." If you continue to use this site, you consent to our use of cookies.

Cookie Settings

✕

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Privacy Notice

This privacy notice discloses the privacy practices for [\(website address\)](#). This privacy notice applies solely to information collected by this website. It will notify you of the following:

1. What personally identifiable information is collected from you through the website, how it is used and with whom it may be shared.

2. What choices are available to you regarding the use of your data.

3. The security procedures in place to protect the misuse of your information.

4. How you can correct any inaccuracies in the information.

Information Collection, Use, and Sharing

We are the sole owners of the information collected on this site. We only have access to/collect information that you voluntarily give us via email or other direct contact from you. We will not sell or rent this information to anyone.

We will use your information to respond to you, regarding the reason you contacted us. We will not share your information with any third party outside of our organization, other than as necessary to fulfill your request, e.g. to ship an order.

Unless you ask us not to, we may contact you via email in the future to tell you about specials, new products or services, or changes to this privacy policy.

Your Access to and Control Over Information

You may opt out of any future contacts from us at any time. You can do the following at any time by contacting us via the email address or phone number given on our website:

• See what data we have about you, if any.

• Change/correct any data we have about you.

• Have us delete any data we have about you.

• Express any concern you have about our use of your data.

Security

We take precautions to protect your information. When you submit sensitive information via the website, your information is protected both online and offline.

Digital Cookies Require Monitoring



DIGITAL
ADVERTISING
ALLIANCE



Will the future hold more regulation?



Data Transparency Facts	
Data Distributor Name: Data Company Data Distributor Contact: DataSolutionTeam@data.com Data Provider Name: Leasing Company Data Provider Contact: DataAccounts@leasingco.com	
Audience Snapshot	
Branded Name	Auto Intenders – Six Months
Standard Name	Auto Intenders
Audience Description Households likely in the market to purchase a new vehicle in the next six months	
Geographies	USA
Audience Construction	
Audience Count	6,500,000
Precision Level	Households
Activation ID(s)	Cookies
Audience Expansion	Yes
Cross-Device Expansion	Yes
Last Refresh Date	02-Jan-2018
Event Lookback Window	60 Days
Data Source	
Source ID Description Dealer-reported names and postal codes of individuals who requested test drives	
Source ID Contribution	1,130,000
Precision Level	Individual
ID Kcy	Name and Postal
Source Event	Transactions
Inclusion Method	Observed
Seed Size (if modeled)	-
Source Refresh Frequency	Quarterly
Event Lookback Window	180 Days
This Data Transparency Label has been developed by members of ANA's Council for Data Integrity and IAB Tech Lab's Data Transparency Working Group, with the support of CIMM, The ARF and IAB's Data Center of Excellence. For more information, please visit datalabel.org .	

Action Steps to Take

- 
- ▶ If you complied with GDPR, it's a first step for CCPA but not 100% done
 - ▶ Data inventory is necessary to know what you collect, use, share and store
 - ▶ Individual rights – need to identify how you would honor these requests
 - ▶ Sale of data – what changes do you need to make?
 - ▶ Review your pixel governance strategy
 - ▶ Train your workforce
 - ▶ Create a whitepaper/FAQ answering questions individuals may have
 - ▶ Announce compliance ahead of your competitors
 - ▶ What resources – tools, consultants, attorneys do you need to comply today and maintain ongoing compliance?

A scenic view of a river with a stone bridge, surrounded by lush green trees and foliage. The bridge is made of large, flat stones and spans the width of the river. The water is clear and reflects the surrounding greenery. The trees are dense and vibrant green, creating a serene and natural setting.

Compliance With These Laws Must Be An **ONGOING** Proposition

Privacy by Design
is not a one-time
activity

DON'T

Drop The Ball



PRACTICE!

DATA BREACH

EMPLOYEE TRAINING

Your employees are the weakest link!

TRUST IS

The Basis

Of Privacy



Compliance Laws **Can Actually Help** The Operation of Your Business

It can be a competitive advantage.

It may even make you more efficient.

QUESTIONS?



Get in touch



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