# ADVERTISING SELF-REGULATORY COUNCIL/COUNCIL OF BETTER BUSINESS BUREAUS

## ONLINE INTEREST-BASED ADVERTISING ACCOUNTABILITY PROGRAM

## **ADMINISTRATIVE DISPOSITION**

Case Number: 88-2018

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<u>COMPANY:</u>	)
Penske Media Corporation	)
	)
	)
<u>CHALLENGER:</u>	)
Online Interest-Based	)
Advertising Accountability Program	)
	)
	)

## ADMINISTRATIVE DISPOSITION

DATE: September 26, 2018

## **SYNOPSIS**

Website publishers must provide consumers with enhanced notice of third-party interest-based advertising that occurs on their websites.

### **BACKGROUND**

When a company allows third parties to engage in interest-based advertising (IBA) on its website, it should provide consumers with enhanced notice of this fact. The Digital Advertising Alliance's Self-Regulatory Principles for Online Behavioral Advertising (OBA Principles) set out what a company in this position should do:<sup>1</sup>

- 1) Disclose the fact that third parties are collecting and using data based on visits to the company's website;
- 2) Include in the disclosure one or more links to places where consumers can opt out of IBA;

<sup>&</sup>lt;sup>1</sup> The OBA Principles may be read in full at https://www.aboutads.info/principles.

- 3) Include in the disclosure a statement of adherence to the DAA Principles; and
- 4) Provide a clear, meaningful, and prominent link on every page of its site where IBA occurs that takes users to this IBA disclosure.

Penske Media Corporation (PMC) came to our attention because of a consumer's report that the company did not provide enhanced notice on its Variety.com domain despite allowing third parties to collect data for IBA on the site. An Accountability Program review appeared to confirm the consumer's observations and led to the opening of a formal inquiry.

However, the inquiry revealed that PMC had independently initiated its own compliance review and made substantial progress to remediate the compliance issues prior to receiving our communication. PMC further demonstrated its commitment to compliance with the DAA Principles and respect for consumer privacy by accelerating the implementation of changes that addressed the Accountability Program's recommendations. As a result of PMC's anticipatory actions and thorough follow-through, we have exercised our discretion to close the case by means of an Administrative Disposition rather than a decision.<sup>2</sup>

We commend PMC for taking the initiative to review its own privacy compliance status, seamlessly incorporating the Accountability Program's recommendations into its new privacy plan, and seeing that the relevant changes were made with all due haste. We encourage other website publishers to follow this example.

#### DISPOSITION

Recommendations implemented. Case closed.

Jon M. Brescia

Director, Adjudications and Technology

Online Interest-Based Advertising Accountability Program

<sup>&</sup>lt;sup>2</sup> In re: Volkswagen (29-2013), Nov. 18, 2013 at 1 ("In cases where a company independently initiates and has made substantial progress to remediate issues before it receives an Accountability Program letter of inquiry, the Accountability Program may exercise its discretion to close the case via an Administrative Disposition."). See, e.g., In re: Outbrain (57-2015), Nov. 4, 2015. All prior Accountability Program decisions may be read at http://www.asrcreviews.org/accountability-program-decisions/.