BBB NATIONAL PROGRAMS

DIGITAL ADVERTISING
ACCOUNTABILITY PROGRAM

Digital Advertising Accountability Program, 
Challenger, 
Indeed Inc. & Glassdoor LLC, 
Company.

Case No. 135-2024
Filed February 6, 2024

FINAL DECISION

I. Synopsis

The Digital Advertising Alliance’s (DAA) Self-Regulatory Principles (DAA Principles)\(^1\) cover entities engaged in interest-based advertising (IBA) across websites or mobile applications (apps). Any operator of a website (a first party)\(^2\) that allows unaffiliated entities (third parties)\(^3\) to collect visitors’ web browsing data for IBA

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1 The DAA’s interest-based advertising principles consist of a suite of four documents: the Self-Regulatory Principles for Online Behavioral Advertising (OBA Principles), the Self-Regulatory Principles for Multi-Site Data (MSD Principles), the Application of Self-Regulatory Principles to the Mobile Environment (Mobile Guidance), and the Application of the Self-Regulatory Principles of Transparency and Control to Data Used Across Devices (Cross-Device Guidance) (collectively, the Principles). The full text of the Principles can be found at http://www.aboutads.info/principles.

2 The DAA Principles assign responsibilities to an entity based on its role in a particular situation. Thus, an entity can be a first party, third party, or service provider depending on the function it is performing. Website operators are first parties. OBA Principles Definition F at 10 ("A First Party is the entity that is the owner of the Web site or has Control over the Web site with which the consumer interacts and its Affiliates."). See also Accountability Program, First Party Enhanced Notice Compliance Warning, CW-01-2013, https://assets.bbbprograms.org/docs/default-source/daap/program-guidance/accountability-program-first-party-enhanced-notice-compliance-warning-cw-01-2013.pdf. In the context of mobile applications, the first party is defined as the entity that owns or exercises control over the app, or its affiliates. Mobile app publishers are first parties under the Mobile Guidance. See Mobile Guidance Definition G at 7.

3 In the desktop context, third parties are entities that collect data for IBA from non-affiliate websites. See OBA Principles Definition J at 11 ("An entity is a Third Party to the extent that it engages in Online Behavioral Advertising on a non-Affiliate's Web site."). In the mobile app context, the term “third party” refers to entities that collect data for IBA through non-affiliate
must provide visitors with notice and enhanced notice as prescribed in the Self-
Regulatory Principles for Online Behavioral Advertising (OBA Principles). Mobile
app publishers that authorize third parties to collect data through their apps for use
in cross-app IBA must provide users with notice and enhanced notice, as described in
the Application of Self-Regulatory Principles to the Mobile Environment (Mobile
Guidance).

II. Company Status
Indeed Inc. (Indeed) and Glassdoor LLC (Glassdoor) are affiliated brands that are
operated as separate businesses by their parent company, Recruit Holdings Co., Ltd.
Indeed publishes the highest-traffic job search website and mobile application in the
United States, connecting millions of prospective employees to employers per year.
Glassdoor publishes a popular website and mobile application where current and
former employees can anonymously review employers. As the publishers of web
products that allow third-party advertisers to collect user browsing information for
IBA purposes, both Indeed and Glassdoor are first parties under the DAA Principles.

III. Inquiry
As part of its routine monitoring and enforcement efforts, the Accountability
Program opens investigations based on consumer complaints regarding alleged
noncompliance with the DAA Principles.

This specific case arises from a consumer complaint claiming that Indeed’s website
was not in compliance with the requirements of the Transparency Principle of the
OBA Principles.4 In response to the consumer complaint, the Accountability
Program visited the website www.indeed.com to review Indeed’s compliance with the
Principles. During its visit, the Accountability Program observed data collection by
third-party companies known to engage in IBA.

When the Accountability Program examined Indeed’s website, it located four links in
the site footer related to privacy and user control of data. This included (1) a
California-focused disclosure with California-specific iconography labeled “Your
Privacy Choices,”5 (2) a link to the landing page for the recently-created HR Tech
Privacy Center labeled “Privacy Center,”6 (3) a link to the top of Indeed’s Privacy

mobile apps, Mobile Guidance Definition N at 12 (“An entity is a Third Party to the extent that
it collects Cross-App or Precise Location Data from or through a non-Affiliate's application, or
collects Personal Directory Data from a device.”).

4 See OBA Principles § II.B. at 13–14.
6 HR Tech, Welcome to the HR Tech Privacy Center, https://hrtechprivacy.com/
Policy labeled “Privacy,” and (4) a link to the middle of Indeed’s Privacy Policy webpage where Indeed’s Cookie Policy begins, labeled “Cookies.”

The first and second link did not direct users to information directly relevant to Indeed’s DAA obligations, nor could the Accountability Program locate disclosures specific to Indeed’s third-party IBA practices on either webpage. The Accountability Program also followed the “Privacy” and “Cookies” links, and after significant scrolling through both policies, we identified scattered descriptions of Indeed’s third-party IBA practices across the language of both policies. Within Indeed’s Cookie Policy we also discovered a hyperlink to the DAA-developed third-party IBA opt-out tool. Neither policy included a statement of adherence to the DAA Principles.

When conducting this inquiry, the Accountability Program discovered that Indeed shared privacy disclosure infrastructure with the affiliated brand Glassdoor, as the recently developed HR Tech Privacy Center housed separate privacy disclosures relevant to both Indeed and Glassdoor products. Accordingly, the Accountability Program also looked at Glassdoor’s conformance with the DAA Principles.

Similar to Indeed, Glassdoor’s website provided four separate links, including (1) a “Privacy & Cookies” link that directed users to the top of the Glassdoor Privacy and Cookie Policy, (2) a “Privacy Center” link that, like Indeed, took users to the top of the HR Tech Privacy Center, (3) a “Do Not Sell Or Share My Information” link generally associated with compliance under the CPPA/CPRA, and (4) a link to the “Cookie Consent Tool” that would fetch a consent management pop-up when clicked. As with Indeed, none of these links directed users specifically to prominent DAA- or IBA-related disclosures, though Glassdoor’s Privacy & Cookie Policy did include a link to the DAA-developed third-party IBA opt-out tool. Glassdoor’s policies also lacked a statement of adherence to the DAA Principles.

Under the Transparency Principle, first-party publishers like Indeed and Glassdoor who allow third parties to collect user browsing behavior for IBA purposes must provide a clear, meaningful, and prominent link—distinct from the privacy policy link—on each webpage where third-party data collection for IBA occurs on browsers. An enhanced notice link must, unlike the website’s privacy policy link, take users directly to its IBA disclosure and a method to opt-out of third-party IBA.

The Accountability Program also examined the mobile applications for Indeed and Glassdoor. Within Indeed’s application we observed data collection by third-party companies known to engage in IBA. Within Glassdoor’s application we discovered

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7 Indeed, Privacy Policy & Cookie Policy, https://hrtechprivacy.com/brands/indeed
8 Glassdoor, Glassdoor Privacy & Cookies Policy, https://hrtechprivacy.com/brands/glassdoor
9 HR Tech, Welcome to the HR Tech Privacy Center, https://hrtechprivacy.com/
that third-party companies known to engage in IBA only collected information on specific pages that appeared to require an in-app web browser to access the Glassdoor website for certain functions. When the Accountability Program examined each mobile app, we discovered that, similar to the websites, enhanced notice for mobile applications was not present in any of the times or places prescribed in the Transparency Principle of the DAA Mobile Guidance.\footnote{Mobile Guidance § III.A.3. at 17.}

Based on the above review, the Accountability Program sent an inquiry letter to Indeed and Glassdoor explaining the potential compliance issues it had found across both companies’ products.

\section*{IV. Issues Raised}

\subsection*{A. Website data collection}

1. Enhanced notice of website data collection for IBA

First-party duties under the OBA Principles are set out in section II.B. According to this section, if first parties allow third parties to collect visitors’ browsing data for use in IBA on their websites, or if they transfer such data to third parties for tailoring ads on non-affiliate websites, they must provide consumers with appropriate transparency and an opportunity to exercise control over IBA.\footnote{OBA Principles § II.B. at 13–14.} A first party must include a disclosure somewhere on its website that describes the IBA activity occurring there.\footnote{Id.} This disclosure must contain either a link to an industry-developed consumer choice page (such as http://aboutads.info/choices) or a list of every third party conducting IBA activity on the first-party website.\footnote{Id. We note that when first parties choose to list third parties individually, the Commentary to the Consumer Control Principle instructs companies that “choice should be available from the Third Party(s) disclosure linked from the page where the Third Party is individually listed.” OBA Principles Commentary at 35.} Additionally, a first party must state its adherence to the DAA Principles on its website.\footnote{OBA Principles § II.B. at 13–14. See also, e.g., \textit{In re Best Buy Co., Inc.} (39-2014), Oct. 28, 2014, at 4.}

Most significantly, the OBA Principles require first parties to provide consumers with real-time “enhanced notice” when third parties are collecting or using data for IBA on a first party’s website. This real-time indicator must be in the form of a “clear, meaningful, and prominent” link that directs consumers to the first party’s IBA
disclosure, not just to the top of a privacy policy.\textsuperscript{16} In addition, this link must be distinct from the company’s privacy policy link and must appear on every page where data collection or use for IBA occurs on the first party’s website.\textsuperscript{17} The link may be provided directly by the first party or by one of the third parties active on its website.\textsuperscript{18}

Enhanced notice provides consumers with two benefits. First, it informs consumers of the fact that third parties are engaged in IBA on a website. Second, by linking directly to a disclosure that describes the IBA activities occurring on that website and providing a method by which consumers can exercise choice, enhanced notice serves as a bridge to relevant information consumers need at precisely the time they need it. By drawing attention to this otherwise invisible background activity in real time, explaining it in plain language, and providing one or more choice mechanisms, enhanced notice helps consumers understand IBA and make choices about the use of their data for IBA.

\textbf{B. Mobile data collection}

The Mobile Guidance adapts the desktop-oriented rules of the OBA Principles to the mobile world, including the core requirements to provide transparency and consumer control of IBA. In particular, when first parties permit third parties to collect data through their apps for use in IBA, they must provide enhanced notice and choice about such third-party data collection for IBA.\textsuperscript{19}

\textbf{1. First-party cross-app enhanced notice requirement}

According to section III.A.(3) of the Mobile Guidance, first parties that affirmatively authorize a third party to collect or use cross-app data for IBA must provide a clear, meaningful, and prominent link to a disclosure that (1) describes the third-party collection, (2) points to a choice mechanism/setting or lists all third parties with links to their opt outs, and (3) contains a statement of adherence to the DAA Principles.\textsuperscript{20} The enhanced notice link must be provided prior to download (e.g., in the app store on the application’s page), during download, on first opening of the app, or at the

\textsuperscript{16} \textit{OBA Principles} Commentary at 32 (“The Principles also state that the Web sites at which Third Parties are collecting data for Online Behavioral Advertising purposes should include a new clear, meaningful, and prominent link on their Web sites when Third Parties do not provide the notice described in II.A.(2)(a). This would link from the Web page where data is collected to specific language in a disclosure. If the disclosure language is in the privacy notice, the link should go directly to the relevant section of the privacy policy where the disclosure is located and not just generally to the privacy policy.”).

\textsuperscript{17} \textit{Id.} at 31.

\textsuperscript{18} \textit{First Party Enhanced Notice Compliance Warning} at 3.

\textsuperscript{19} \textit{Mobile Guidance} at 17.

\textsuperscript{20} \textit{Id.}
time cross-app data is first collected, and in the application’s settings or any privacy policy.\(^{21}\)

These enhanced notice requirements make information about privacy more accessible to users so they can make an informed decision about whether to participate in data collection and use for IBA. The enhanced notice link must go directly to the place where the app explains its IBA practices. Moreover, the link must be provided at or before the moment a user’s engagement with the app results in third-party data collection for IBA. This process provides a conspicuous, accessible, and meaningful disclosure to the consumer at the time it is most useful to them. As such it is a dramatic improvement on the past practice of simply placing the information in a dense privacy policy. It also requires that the company’s disclosure explain to consumers how they can opt out of IBA, including providing links to easy-to-use opt-out mechanisms like the DAA’s AppChoices tool.\(^{22}\)

V. Company response and analysis

In response to the Accountability Program's inquiry letter, Indeed and Glassdoor immediately conducted a comprehensive review for compliance with the DAA Principles in order to identify any areas in its compliance protocols that needed strengthening. The companies worked diligently to find comprehensive solutions to each issue and consulted with the Accountability Program on its plan to come into compliance with the DAA Principles, as explained below.

A. Enhanced Notice of website data collection for IBA

To meet the enhanced notice obligations under the OBA Principles, Indeed and Glassdoor both changed their “Privacy Center” website footer link’s copy. Indeed’s link now reads “Privacy Center and Ad Choices” and Glassdoor’s link reads “Privacy & Ad Choices.” Users who follow this link are sent to the HR Tech Privacy Center landing page where a new “Ad Choices” tab has been added prominently to the top in a site header tab. Users that click on this Ad Choice tab will be directed to an IBA-specific disclosure that brings all elements of DAA enhanced notice together, namely (1) a description of Indeed and Glassdoor’s third-party IBA practices, (2) a link to,

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\(^{21}\)Id. We note that when the third party is unable to provide enhanced notice and choice in an app, the first party should work with the third party to ensure that such notice and choice are provided. See id. § III.B.(1) at 18-19. Compare Accountability Program, Compliance Warning, https://assets.bbbprograms.org/docs/default-source/daap/program-guidance/accountability-program-first-party-enhanced-notice-compliance-warning-cw-01-2013.pdf?sfvrsn=2 (“Both the third party and the first party share responsibility for provision of enhanced notice. Because the third party which is collecting the data generally has no direct means to provide notice and choice on the website where its data collection is occurring, providing just-in-time notice of collection and an opt out requires cooperation between the third party engaged in the collection and the first party on whose website such collection is permitted.”).

and description of, industry-developed IBA opt-out tools, and (3) a statement of adherence to the DAA Principles for both Indeed and Glassdoor.

B. Compliance with cross-app data collection requirements

Indeed’s authorization of third-party collection of unique identifiers for IBA in its mobile app triggers compliance responsibilities under the first-party cross-app provisions of the Mobile Guidance. Likewise, Glassdoor’s use of an in-app web browser triggers compliance responsibilities under the first-party cross-app provisions of the Mobile Guidance.

The cross-app provisions of the Mobile Guidance prescribe particular times and locations where consumers can receive enhanced notice that directs them to a compliant IBA disclosure. The link should appear either before or concurrent with the initial collection of data for IBA. One means for providing enhanced notice before collection occurs is to do so through a link on the app’s listing in an app store. Where possible, this can be done through a dedicated enhanced notice link, but this is not always the case. The Mobile Guidance recognizes that app stores may allow only a finite set of links dedicated to specific resources, such as company websites and privacy policies. The flexibility of the Mobile Guidance allows app publishers to use the dedicated privacy policy link as its enhanced notice link where necessary. To do so, app publishers must place an IBA disclosure or a link to a disclosure at the top of the privacy policy linked from the app store. This ensures that when users tap on a privacy policy link in an app store listing, they are directed immediately to relevant information about IBA and an opt-out mechanism.

To ensure users have clear, meaningful, and prominent access to IBA-related information even before downloading the Indeed and Glassdoor mobile applications, Indeed and Glassdoor added the same “Ad Choices” website header tab on the HR Tech Privacy Center landing page to the top of their respective privacy policies. This allows users to have prominent access to the aforementioned “Ad Choices” page (discussed in the previous section) wherever there is a link to the Indeed or Glassdoor Privacy Policy. Because the iOS App Store and the Google Play store both

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23 Mobile Guidance § III.A.(3) at 17. See also In re Sega (65-2016), July 14, 2016; In re Spinrilla (61-2016), May 4, 2016; In re Bearbit Studios (62-2016), May 4, 2016; In re Top Free Games (63-2016), May 4, 2016.

24 Id. § III.A.(3) at 17.

25 Commentary, Id. § III.A.(3) at 18 (“Where a Third Party elects to satisfy Section III.A.2.ii.1 or a First Party elects to satisfy Section III.A.3.a by providing a link prior to installation through an application market that does not permit active links, the entity satisfies this Principle if it provides an active link to a privacy policy that contains the disclosure described in Section III.A.1 and directs consumers to the relevant section of the privacy policy where the disclosure is located.”).

26 Id. (allowing a jump link near the top of a privacy policy to direct consumers to an IBA disclosure where app stores do not allow active enhanced notice links).
require that app developers provide a link to a privacy policy, Indeed and Glassdoor’s approach ensures that users can easily access the Ad Choices IBA disclosure from the application store pages within two clicks from either platform’s app store. Additionally, both apps allow users to view this Ad Choices page within the application itself after navigating to privacy settings.

VI. Company statement

Indeed

As the world’s #1 job site Indeed is focused on helping people get jobs. We are committed to the success of job seekers and employers and strive to be transparent about our privacy policies and practices. We appreciate the opportunity to participate in DAA’s Accountability Programs and their commitment in helping us comply with their Self-Regulatory Principles for Online Behavior Advertising.

Glassdoor

As the worldwide leader for workplace conversations and career insights, Glassdoor is committed to the success of our users and strives to be transparent about our privacy practices with both job seekers and employers. We appreciate the opportunity to participate in DAA’s Accountability Programs and their commitment in helping us comply with their Self-Regulatory Principles for Online Behavior Advertising.

VII. Disposition of decision

Practices voluntarily corrected.