Accountability Program Continues Compliance Sweep
Websites Take Responsibility for Informing Consumers about Data Collection

Arlington, VA -- May 14, 2015 -- In decisions released today, the Online Interest-Based Advertising Accountability Program (Accountability Program) brought consumers enhanced notice and choice about interest-based advertising (IBA) on four more popular websites: Etsy, Imgur, TWiT.tv, and 247 Sports. These actions continue the Accountability Program’s campaign to bring website publishers into compliance with their enhanced notice responsibilities. Websites must provide their visitors with enhanced notice when third parties are collecting information to learn more about what sorts of products and services might interest consumers. Today’s cases mark the 21st action that the Accountability Program has taken to educate website publishers about their responsibilities for enhanced notice.

Enhanced notice is one of the major innovations of the Self-Regulatory Principles for Online Behavioral Advertising (Principles) which the Accountability Program enforces. It gives consumers real-time notice at precisely the moment that it matters to them most—when they alight on a website where third parties are collecting their browsing data in order to infer their likely interests or when consumers are served an ad based on those interests. Before enhanced notice, these activities were invisible to consumers, and they had no control over whether to participate in IBA.

Consumers are most familiar with the way enhanced notice is served on interest-based ads. The power of notice and choice is packed into a simple blue triangle, the AdChoices Icon, which appears on or near an ad personalized for the viewer. In fact, over a trillion AdChoices Icons are served worldwide each month.

However, enhanced notice plays an equally important role beyond the borders of interest-based ads. The Principles make clear that transparency and control are just as important when consumer data is being collected as when it is being used. As the parties in the best position to control the contents of their websites, website operators must do their part to ensure that enhanced notice is provided when third parties are collecting consumers’ web browsing data for use in IBA. Regardless of whether the IBA activity on a website involves the serving of interest-based ads or data collection to personalize ads, a consumer should always be able to click on an enhanced notice link which will take her directly to a place where she can learn more about IBA and, if she chooses, opt out of it and instead receive only random ads.

In 2013, the Accountability Program noticed that the responsibility for providing enhanced notice appeared to be misunderstood by a significant minority of otherwise compliant websites. To resolve this confusion, the Accountability Program issued a Compliance Warning clarifying websites’ responsibilities under the Principles. The
Compliance Warning also put website owners on notice that the Accountability Program would begin vigorous enforcement of this provision of the Principles on January 1, 2014, to ensure that consumers are offered transparency and control when their browsing data is being collected for use in IBA. Today’s decisions document the continuing positive results of the Accountability Program’s efforts.

“What sets the Principles apart from other self-regulatory programs is that they are not just membership based, but cover the entire cross-industry IBA system and all companies that work in it, including websites,” said Genie Barton, Director of the Accountability Program. “We are pleased today to see these four popular websites willingly take responsibility for providing enhanced notice to their visitors. Our continued focus on this topic, stating and re-stating the rules in a clear and compelling way, is a driving force behind publishers’ growing understanding and compliance with this important feature of the Principles.”

Etsy, Imgur, TWiT.tv, and 247 Sports’ commitments to participating in the Accountability Program’s voluntary enforcement process and their ready adoption of the Accountability Program’s recommendations demonstrate that self-regulation is working. All segments of the online advertising ecosystem, from website publishers to third-party ad networks, are adopting these cross-industry best practices. Industry’s commitment to providing consumers with transparency and control over IBA builds trust in the online marketplace and confidence that the self-regulatory process is robust.

Released alongside today’s first-party decisions are two sets of consolidated case closures disposing of nine cases that originated from consumer complaints. After thorough investigation of the complaints, the Accountability Program exercised the discretion granted by its Procedures to close these cases administratively. The companies involved were either already in full compliance; circumstances had mooted the inquiry; or there was only a de minimis issue that was quickly corrected.

Today’s releases bring the Accountability Program’s public actions to 58. The Accountability Program will continue to work to ensure that the cross-industry commitment contained in the Principles is honored by all companies that are involved in IBA.

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The Accountability Program’s inquiries were conducted under Online Interest-Based Advertising Accountability Program Procedures, which are available at http://www.asrcreviews.org/wp-content/uploads/2012/04/OBA-Procedures2.pdf

About Advertising Industry Self-Regulation: ASRC establishes the policies and procedures for advertising industry self-regulation, including the National Advertising Division (NAD), Children’s Advertising Review Unit (CARU), National Advertising Review Board (NARB), Electronic Retailing Self-Regulation Program (ERSP) and Online Interest-Based Advertising Accountability Program (Accountability Program). The self-regulatory system is administered by the Council of Better Business Bureaus.

Self-regulation is good for consumers. The self-regulatory system monitors the marketplace, holds advertisers responsible for their claims and practices and tracks emerging issues and trends. Self-regulation is good for advertisers. Rigorous review serves to encourage consumer trust; the self-regulatory system offers an expert, cost-efficient, meaningful alternative to litigation and provides a framework for the development of a self-regulatory solution for emerging issues.

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