Technical Specifications for implementing the European Industry Self-Regulatory Framework on Data Driven Advertising and EASA BPR in Europe

Version 1.0

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Definitions

Online Behavioural Advertising (OBA)

Online Behavioural Advertising means the collection of data from a particular computer or device regarding web viewing behaviours over time and across multiple web domains not under Common Control for the purpose of using such data to predict web user preferences or interests to deliver online advertising to that particular computer or device based on the preferences or interests inferred from such web viewing behaviours. Online Behavioural Advertising does not include the activities of Web Site Operators, Ad Delivery or Ad Reporting, or contextual advertising (e.g. advertising based on the content of the web page being visited, a consumer's current visit to a web page, or a search query).

Icon

An Icon is a visible web based object that contains a hyperlink to the OBA User Choice Site or to the Third Party Notice[1]. An alternate definition is: The 'Icon' is a specific interactive symbol, which is placed in or around an OBA ad that, together with wording to be developed, has to be used by Third Parties to signify their adherence to the OBA Framework.

The Icon is one of the components of the Ad Marker, as described below.

Ad Marker

The Ad Marker is the visual representation of a link presented to users to learn more about the ad they are currently viewing. Consistent and proper usage of the Ad Marker will reinforce the application of consumer- friendly standards to Online Behavioural Advertising across the Internet.

The Ad Marker consists of three elements: the Icon, the approved explanatory text (when displayed) and a container to isolate the Icon and/or text from the surrounding creative when being presented within an ad.

For a list of approved explanatory text per language, see Appendix A – Ad Marker Text by Language.

OBA Ads

For the purposes of this implementation, an OBA Ad is referred to as an online advertisement which is delivered to a particular computer or device based on the preferences or interests inferred by using data collected from that particular computer or device regarding web viewing behaviours over time and across multiple web domains not under Common Control[2].

OBA Collection Ads

An OBA collection ad is referred to as an online advertisement which collects data from a particular computer or device regarding web viewing behaviours over time and across multiple web domains not under Common Control for the purpose of using such data to predict web user preferences or interests. An ad can be an OBA collection ad regardless if it is an OBA ad or not.

Third Party

An entity is a Third Party to the extent that it engages in Online Behavioural Advertising on a web site or web sites other than a web site or web sites it or an entity under Common Control owns or operates[3].

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[1] As defined by the Framework
[2] As defined by the Framework
[3] As defined by the Framework

User Language

User Language represents one of the official European Union (EU) or additional European Economic Area (EEA) languages in which information can be presented, so that web users can exercise their choice with respect to the collection and use of data for OBA purposes and transfer of such data to Third Parties for OBA. For the purposes of this implementation, User Language can be determined in a number of ways. For more details see Appendix B - Determine User Language.

OBA User Choice Site

A consumer focused web site and education portal (www.youronlinechoices.eu), available in all official EU and the additional EEA languages, that provides a mechanism for web users to exercise their choice with respect to the collection and use of data for Online Behavioural Advertising purposes by one or more Third Parties or links to a mechanism permitting user choice over Online Behavioural Advertising. A Technical Implementation Guide addressing integration of Third Parties with the OBA User Choice Site will be made available as a separate document.

This document refers to the Relevant OBA User Choice Site as being the OBA User Choice Site in User Language.

Originating adserver

When more adservers are involved in the delivery of an ad, the creative and accompanying scripts usually reside on only one. This document references the Originating adserver as being the adserver that hosts the ad; most times this is the adserver of the Agency or Advertiser, but can be any adserver in the delivery chain.

Introduction

This document describes how the Ad Marker can be used in Europe across companies involved in Online Behavioural Advertising (OBA) to provide enhanced awareness and control to web users and to support the on-going self-regulatory programme in the EU/EEA.

The aim of this document is to drive agreement between industry players such that our implementations dovetail correctly at scale. By doing so, the European Industry Self-Regulatory Framework on Data Driven Advertising will be supported as efficiently as possible and industry self regulation for OBA will therefore be seen as robust and viable.

This specification version is aimed at this stage towards a static Ad Marker implementation, on all ads. However, should industry players want to mark only OBA Ads and OBA Collection Ads, they are free to do so, and this specification version also supports this more advanced approach. In such cases, it is important and the ad networks obligation to ensure notice is given in cases where data is collected for OBA purposes on a website but the ad displayed is not based on a profile. The static Ad Marker implementation, on all ads, requires no information to be shared between parties in the ad serving process, and hence no decision-making or separate outcomes would arise from different scenarios. It is recognised that while this approach **does** give users relevant control in near-real-time, further improvements should be made to increase transparency and control. Future implementations will build on this specification version and introduce greater intelligence, e.g. detailing all companies that are involved in serving a specific ad. In order to accommodate this and in response to the development of OBA and business practices, this document will be regularly reviewed and updated as appropriate.

A central European body European Digital Advertising Alliance (EDAA) is currently being established to agree the licence conditions in European markets. Until this is operational, the Icon is available for businesses free of charge. (*N.B.: a licence fee will be charged for companies using the Icon across EU/ EEA*).

Business Case

Support of the Icon is a central component of the European Industry Self-Regulatory Framework on Data Driven Advertising, part of the cross-industry self-regulatory initiative for OBA in Europe. The Framework reference is included below (see Appendix F – European Industry Self-Regulatory Framework on Data Driven Advertising).

Compliance with the Framework is essential to any company practising Online Behavioural Advertising in the European Union/European Economic Area.

Timescale

Pilot solutions, which may or may not be compliant with this specification, have become active during Q2 2011. The goal is that this implementation specification be rolled out by the end of Q1 2012.

The education campaign is set to start Q2/Q3 2012.

The ultimate goal is that "by mid 2012 it is foreseen that 70% of all Online Behavioural Advertising will carry [sic] the Icon and link to the consumer web tools". This commitment is 80% for the larger EU Markets.

References

http://www.easaJ_alliance.org/page.aspx/386

http://www.youronlinechoices.com/goodpractice.html

Roles and responsibilities

Who is Involved

Party	Role	Responsibility
Agency/Advertiser adserver	Coordinates and manages advertiser spend across media providers. Usually is the Originating adserver and hosts the ad creative that appears on the page	Serve the overlaid Ad Marker with the creative as part of standard practice
Demand Side Platform	Optimises value for advertiser over multiple ad exchanges or networks	Add the Ad Marker if it is not present in the creative. Ensure compliance with the relevant obligations in the European Industry Self-Regulatory Framework
Ad Network	Optimises value for both Publisher and Advertiser	Ensure when trafficking the campaign that the ad includes the Ad Marker. Add the Ad Marker if it is not present in the creative
Exchange/ Supply Side Platform	Optimising value per impression for the Publisher	Add the Ad Marker if it is not present in the creative. Ensure compliance with the relevant obligations in the European Industry Self-Regulatory Framework
Publisher/ Publisher adserver	Hosts the location where the ad will appear	Publishers have no direct Icon responsibility unless they are self-managing sales and delivery of OBA Ads directly from advertisers, in which case they should add the Ad Marker
Enhanced Notice Provider	Serves the Ad Marker on behalf of other players in the chain	Not required, but when present, provide an in-ad interstitial with links to turn off OBA and more information

Licensing

The exact terms of the licence for the Icon are still to be established. It is therefore not known at this stage what the fees will be. The serving of the Icon must be done by a company who has a licence, so the terms may further define which players in the chain must do so. Companies that advertise in the EU/EEA must obtain a licence from the European central body entitled to issue it.

Liability and Responsibility

- While it is most **practical** for the Originating adserver (usually Agency or Advertiser adserver)to implement the serving of the Icon, this is distinct from the Agency or Advertiser taking responsibility or assuming liability that the Icon will always be served in the correct place.
- Each Third Party is ultimately responsible for ensuring that users are given control in near real-time to turn off OBA from its respective domain.

- In practice this means that all Third Parties need to ensure that (1) the turn-off mechanism is provided on the OBA User Choice Site, and (2) they check themselves that the Ad Marker is being served as part of delivery of the ad. If it is missing, then they should ensure that it is added, or add it themselves.
- In the event that the Ad Marker is served by multiple players, the recommended solution to avoid unsightly clash is for the relevant parties to arrange between themselves who is to continue serving the Icon.
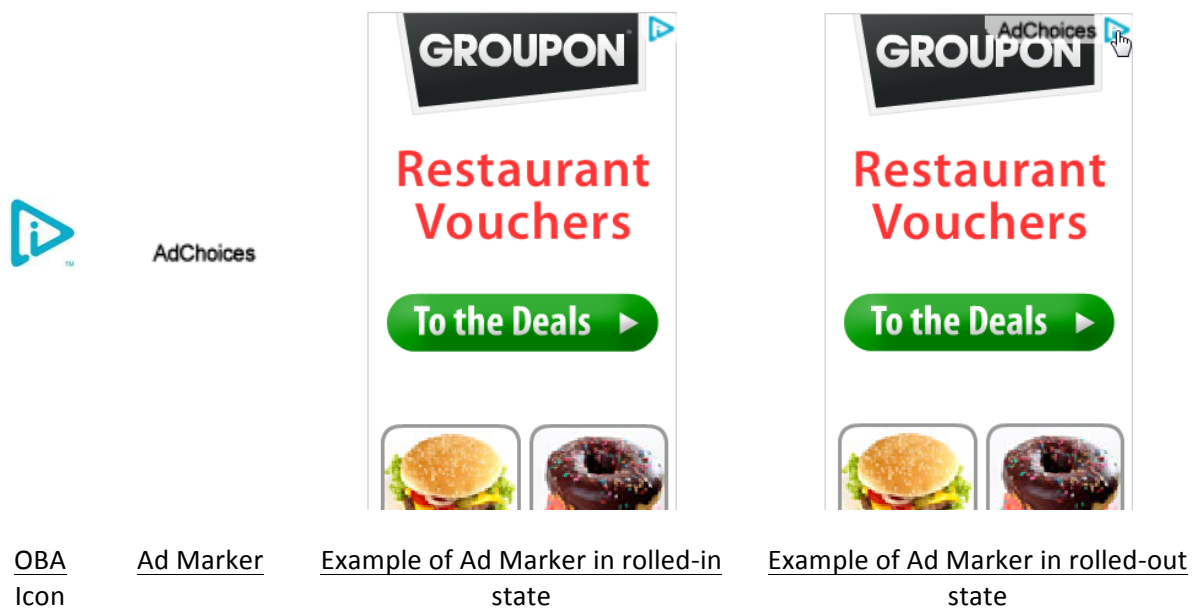
Ad Marker

The Ad Marker is to be presented in the User Language. The list of the approved texts for the Ad Marker can be found in Appendix A – Ad Marker Text by Language.

This specification refers to two states of the Ad Marker – 'rolled-in' and 'rolled-out':

- Rolled-in: Only the Icon is visible
- Rolled-out: The Ad Marker text is visible, as well as the Icon

This is illustrated below:

| OBA Icon | Ad Marker | Example of Ad Marker in rolled-in state | Example of Ad Marker in rolled-out state |

In terms of serving, the Ad Marker will be displayed in the browser window by a script that travels along with the ad itself, originating from the Agency Adserver. This script can exist in two versions:

a) Manual, static version, in which the script or the variables that compose it will not be altered by various players along its path; while it has drawbacks, this version is recommended as an initial approach for its simplicity and ease of implementation.
b) Dynamic version, in which the script or the variables that compose it can be altered by players along its path.

In both serving versions above, the script should, at a minimum, fulfil the following functions:

- determine or store the User Language (as per Appendix B - Determine User Language);
- store the URL of the interstitial page, should this be different from the OBA User Choice Site;

- ensure correct display of the overlaid Ad Marker and (when present) interstitial page;
- ensure that, in the infrequent situations when the Ad Marker is served by more than one party, only the upper-most Ad Marker expands into its rolled-out state when user hovers the mouse over the Icon;
- ensure correct delivery of the reporting script, once a reporting/analytics provider was selected and (if applicable) the reporting script communicated to interested parties.

The Ad Marker will exist as three different parts:

1) an image for the Icon (being served from one URL);
2) 23 images (being served from their respective URLs) for the different Ad Marker text languages (as specified in Appendix A – Ad Marker Text by Language), one of which will be selected and subsequently displayed based on the User Language. The approach based on images has been chosen over the one based on text in order to retain formatting and dimensions of the Ad Marker over multiple platforms and browsers;
3) a container to isolate the Icon and/or text from the surrounding creative when being presented within an ad.

While the content of the images must be identical across the EU/EEA, the adservers may use local cached copies of the images to optimise performance. For the purposes of ensuring consistency across implementations, a recommended version of the images for the Icon and the languageJ specific Ad Marker text will be hosted in a central location.

This approach is different to that adopted in the USA because of the need to account for multiple languages across Europe, and often more lengthy explanatory text.

A Note on the Footer *(Publishers Only)*

The Footer applies only to Publishers. Having a footer is not an obligation in the Framework but is an option to Publishers where relevant and appropriate. We suggest this as good practice. This is a Web Site Operator notice (referenced in the European Industry Self-Regulatory Framework on Data Driven Advertising as 'adequate disclosure') at the bottom of all pages to provide their visitors with a clear and consistent way of finding out more information about the site's activity. A user clicking on the Footer link may be presented with the following information:

- List of Third Parties used by the site with which the user may interact[1];
- Links to further information related to OBA and online privacy, particularly the OBA User Choice Site;
- Any other information which supports user understanding and the aims of the European Industry Self-Regulatory Framework on Data Driven Advertising.

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[1] In fact, this is not required under the Framework, but publishers may want to consider this in meeting the requirements of the revised e-Privacy Directive.

The Footer link text itself is not prescribed, but it should be clear. Some examples might be (in the site's language):

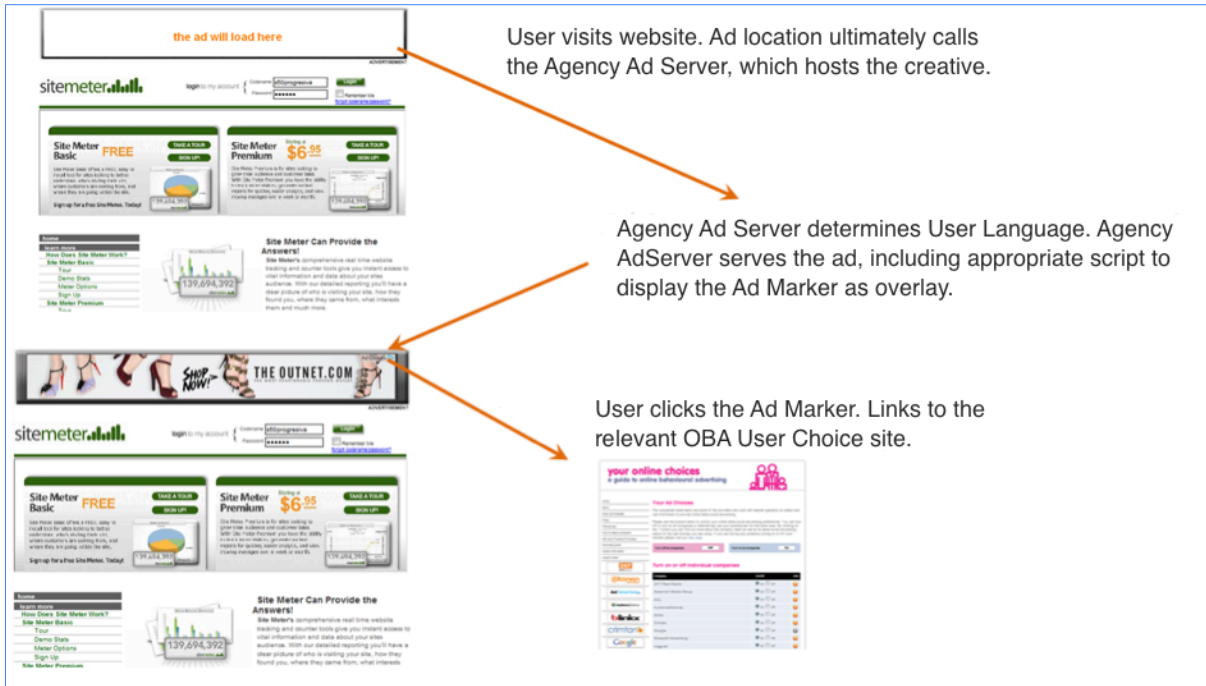About our Ads   Privacy Notice   Privacy and Cookies   Online Behavioural Advertising

User Interaction Flow
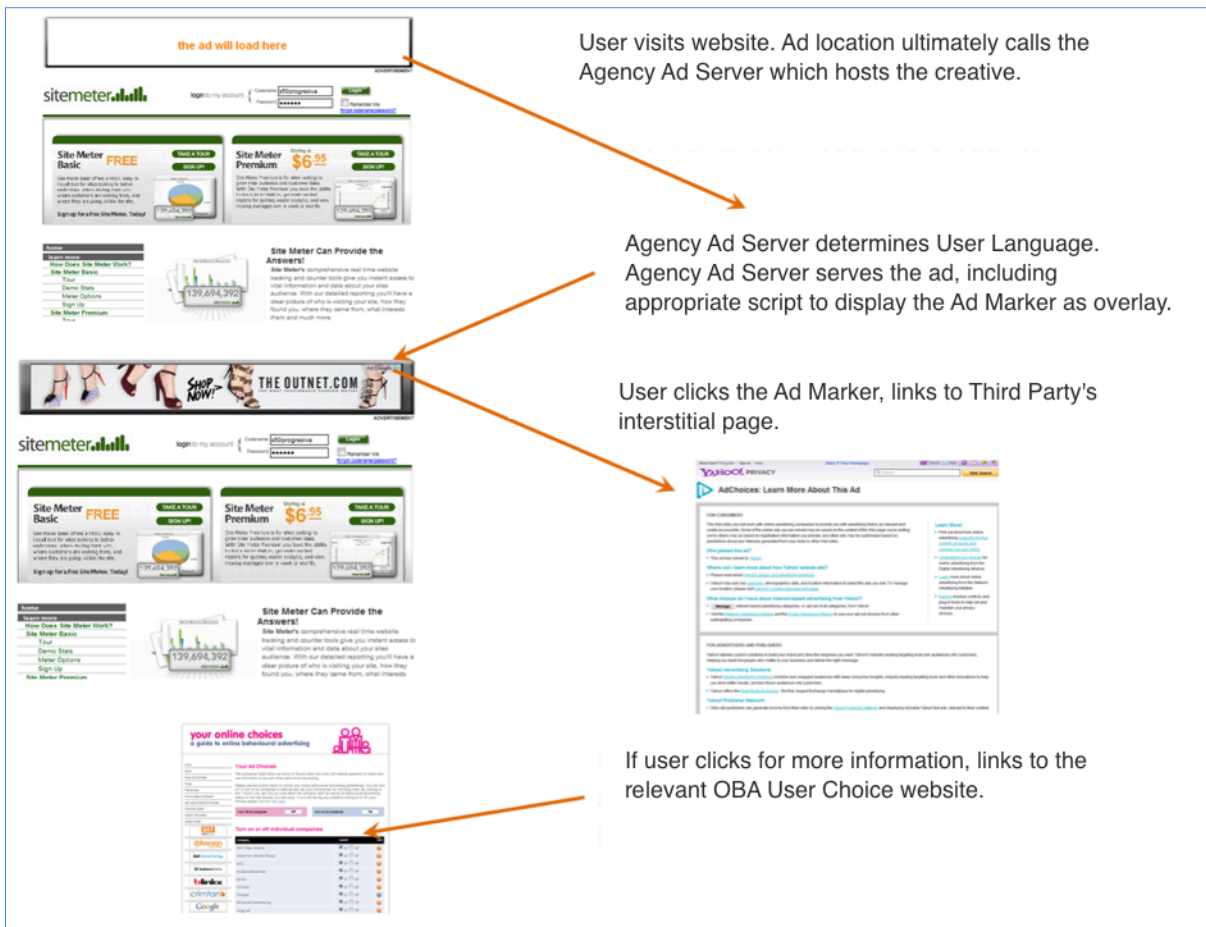
The overall user experience flow is as follows:

1) As the ad shows on the screen, it includes an overlay with the Ad Marker. The text of the Ad Marker for each individual language is defined in Appendix A – Ad Marker Text by Language. The text of the Ad Marker is to be shown in the User Language; for further information on the recommended method of determining the User Language see Appendix B J Determine User Language;

2) The Ad Marker will always be shown in the top right hand corner. As a shortJ term solution, the Ad Marker can be shown on all ads. This specification also allows the Ad Marker to be shown only on OBA Ads and OBA Collection Ads. For further details regarding size, colours, position, etc. for the Icon and Ad Marker, see the Specification Reference section and Appendix D – FAQ;

3) The Ad Marker will initially load in a rolled-in state;

4) The Ad Marker should roll out to the full state if the user hovers the mouse over the Icon. The rollJ out is immediate;

5) If the ad is expandable, the Ad Marker should only show in an unexpanded state;

6) Video – the Ad Marker should not be included on inJ stream video ads;

7) If when rolled-out the Ad Marker takes up more than 10% of the overall surface of the creative, then it can be presented as just the Icon (its rolled-out state can be disabled). Also, the width of the rolled-
out Ad Marker should never be larger than the width of the ad. If the
user clicks on the Ad Marker, a new tab/window (depending on browser version) will be launched; by default, the URL to open is the relevant OBA User Choice Site, as indicated in Appendix A – Ad Marker Text by Language. If a particular player's interstitial page needs to be displayed to the user, this can be achieved by: a) static script – altering the script at its origin (in most of the cases at the Agency AdServer) or b) dynamic script –altering the relevant variable (specified in the full specification for the dynamic script);

8) The next step depends on whether an interstitial is present:
   a. Interstitial: In order to improve users' experience, use of an interstitial page is strongly recommended. The Third Party's interstitial page must include all the information required under point A.1. of the European Industry Self-Regulatory Framework on Data Driven Advertising. In addition, the Third Party's interstitial page must display in the User Language and link directly to the relevant OBA User Choice Site (for example
   http://www.youronlinechoices.com/uk).
   b. No Interstitial: Based on the User Language, the relevant OBA User Choice Site is loaded.

The default non-interstitial flow is illustrated in the diagrams below.

User Flow – No Interstitial Page

User visits website. Ad location ultimately calls the Agency Ad Server, which hosts the creative.

Agency Ad Server determines User Language. Agency AdServer serves the ad, including appropriate script to display the Ad Marker as overlay.

User clicks the Ad Marker. Links to the relevant OBA User Choice site.

User Flow – Interstitial Page

User visits website. Ad location ultimately calls the Agency Ad Server which hosts the creative.

Agency Ad Server determines User Language. Agency Ad Server serves the ad, including appropriate script to display the Ad Marker as overlay.

User clicks the Ad Marker, links to Third Party's interstitial page.

If user clicks for more information, links to the relevant OBA User Choice website.

Specification Reference

Ad Marker – general considerations

1. As per the current specification version, appears on all standard ads; however, should industry players want to mark only OBA Ads and OBA Collection Ads, they are free to do so. A subsequent specification version is to be released to support marking only OBA Ads and OBA Collection Ads.
2. In a behaviourally-targeted or otherwise. Appears rolled-in;
3. Rolls out when user hovers mouse over the Icon;
4. Does not show on most Rich Media ads. Shows on expandables only in unexpanded state
5. Does not show on in-stream video ads;
6. The Ad Marker is served as image rather than text, for purposes of consistency over various platforms and browsers;
7. Ad Marker text is in one of 23 defined strings (one per language) as specified in Appendix A – Ad Marker Text by Language;
8. Ad Marker is conditional on User Language;
9. The Ad Marker will most commonly be served by the advertiser/agency adserver, i.e. the one hosting the creative ad file itself.

Ad Marker – elements

The Ad Marker consists of three elements: the Icon, approved accompanying text, and a container to isolate the Icon and/or text from the surrounding creative when being presented within an ad.

OBA Icon

This Icon is considered to be the standard graphical implementation. It may not be altered in any way. The Icon cannot be less than 12 pixels by 12 pixels (12x12). Recommended size is 13x13 pixels.
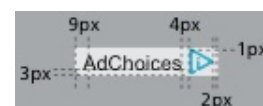
Text

The approved explanatory text for each User Language can be found in Appendix A – Ad Marker Text by Language. The approved font for this text is Arial Regular. The text color can be black or grayscale. The minimum font size is 10 pixels. The recommended font size is 11 pixels, with -50 horizontal character tracking.
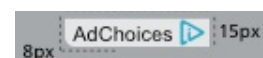
Container

The container should be sized so that there are is at least 1 pixel of space around the Icon. Therefore, for a 13x13 pixels Icon and 11 pixels explanatory text, the height of the container should be 15 pixels. The width will vary according to the length of the explanatory text. In the Ad Marker's rolled-in state, the size of the container will be 17x15 pixels.

The Ad Marker text should be placed at a minimum of 2 pixels to the left of the Icon and centered vertically. The recommended distance is 4 pixels.

The container's lower-left corner should be rounded, with a radius of 8 pixels.

Ad Marker – placement

For improved user experience and consistency of the approach, it is recommended that the Ad Marker is placed inside of the ad[1].

When inside the ad, the default placement choice for the Ad Marker should be the upper right hand corner. However, if this placement causes visual or functional interference with the underlying creative, then it can be placed in any of the four corners of the ad at the discretion of the party serving it. There should be no space between the Ad Marker and the ad corner.
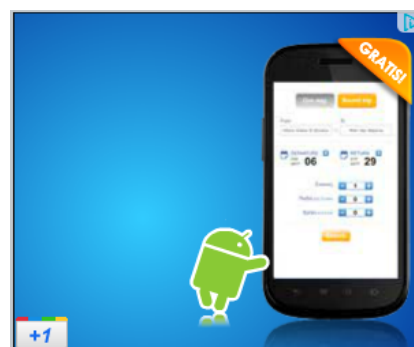
When the Ad Marker is placed outside of the ad, its lower edge must be placed 3 pixels from the upper edge of the ad. In this case, the Ad Marker will be displayed only in the rolled-out state, and the surrounding container is not displayed. The default position should be the upper right hand corner; however, because the Ad Marker may replace existing ad markers, such as "Advertisement", the specific horizontal placement of the Ad Marker can be changed by the party serving it.

Ad Marker – colours

Consistent colour usage across all media is integral to the increased familiarity of the Ad Marker. It should always be presented using the approved and recommended colour formulas listed below. The colour of the Icon can be changed from one of the colour formulas below when there is a valid reason for doing so. However, due to copyright agreements, any colour in the red/pink spectrum cannot be used for the Icon. More precisely, using the colour circle below, any colour in the +30 to -90 degrees range cannot be used.
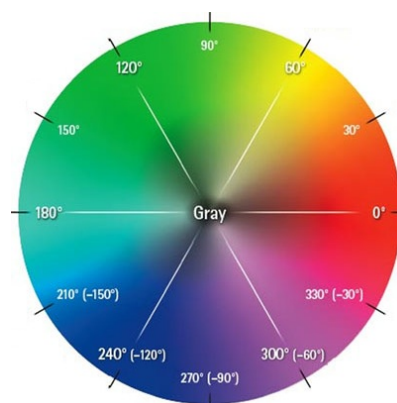
OBA Icon
PANTONE: 632
CMYK: C=74 M=9 Y=15 K=01
RGB: R=0 G=174 B=205
HEX: 00AECD
Grayscale: 30-100%

Text
CMYK: C=0 M=0 Y=0 K=100
RGB: R=0 G=0 B=0
HEX: 000000
Grayscale: 30-100%

Container
CMYK: C=19 M=15 Y=15 K=0
RGB: R=204 G=204 B=204
HEX: CCCCCC
Grayscale: 20
Opacity: 60—90%; recommended value: 70%

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[1] If multiple Third Parties with different placement choices are involved the user experience will be negatively impacted if the Ad Marker is displayed both inside and around the ad

Marker Applications - unacceptable applications

Do not outline the Ad Marker

Do not modify or recreate the Ad Marker

Do not place the Ad Marker on a busy background

Important info   Do not modify Ad Marker approved texts in any way

Do not create patterns or backgrounds with the Icon

Do not combine colors in the Ad Marker.

Clicking the Ad Marker

It is strongly recommended that Third Parties use an interstitial page, in which case clicking the Ad Marker directs to it. If the interstitial page is not used, the default landing page is the relevant OBA User Choice Site.

Interstitial Page

While from a technical perspective the interstitial pages are not mandatory, in order to improve user experience they are strongly recommended. Also, there might be legal obligations with regard to the implementation of the eJ   privacy directive in each country.

If a Third Party is obliged to or chooses to use an interstitial page, under the European Industry Self-Regulatory Framework on Data Driven Advertising, the Third Party has to include the following information (irrespective of legal notices):

- Feature the Icon prominently;
- Third Party's identity and contact details;
- The types of data collected and used for the purpose of providing OBA, including an indication or whether any data is "personal data" or "sensitive personal data" as defined by the national implementation of Directive 95/46/EC;
- The purpose or purposes for which OBA data is processed and the recipients or categories of recipient not under Common Control and to whom such data might be disclosed;
- Clear link to where the user can obtain information on Online Behavioural Advertising (relevant OBA User Choice Site);

- Clear link to where the user can turn off behavioural advertising (relevant OBA User Choice Site)[1];
- The fact that the Company adheres to the European Industry Self-Regulatory Framework on Data Driven Advertising Principles;
- Clear link to the Third Party's own privacy policy and optJ out page;
- References to relevant affiliated trade bodies, e.g. EDAA.

Limitations to This Approach

- Visibility of Who Served **this** Ad to the User; in this version of the implementation it will not be possible to show which parties were involved in showing the user an advertisement.

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[1] Referred in the Framework as "an easy to use mechanism for exercising choice with regard to the collection and use of the data for OBA purposes and to the transfer of such data to Third Parties for OBA"

Appendix A – Ad Marker Text by Language

Country	Language	ISO 639 code[1]	String	Default Landing Page URL
AUSTRIA	German	de	Datenschutzinfo	http://www.youronlinechoices.com/at/
BELGIUM	French	fr	Choisir sa pub	http://www.youronlinechoices.com/be-fr/
	Flemish	nl	Info reclamekeuze	http://www.youronlinechoices.com/be-nl/
BULGARIA	Bulgarian	bg	Вашият избор	http://www.youronlinechoices.com/bg/
CROATIA	Croatian	hr	N/A (Not Available)	http://www.youronlinechoices.com/hr/
CZECH REPUBLIC	Czech	cs	Volby reklamy	http://www.youronlinechoices.com/cs/
DENMARK	Danish	da	Annoncevalg	http://www.youronlinechoices.com/den/
FINLAND	Finnish	fi	Mainokseni	http://www.youronlinechoices.com/fi/
FRANCE	French	fr	Choisir sa pub	http://www.youronlinechoices.com/fr/
GERMANY	German	de	Datenschutzinfo	http://www.youronlinechoices.com/de/
GREECE	Greek	el	Οι διαφημίσεις μου	http://www.youronlinechoices.com/gr/
HUNGARY	Hungarian	hu	AdChoices	http://www.youronlinechoices.com/hu/
IRELAND	English	en	AdChoices	http://www.youronlinechoices.com/ie/
ICELAND	Icelandic	is	N/A	http://www.youronlinechoices.com/is/
ITALY	Italian	it	Scegli tu!	http://www.youronlinechoices.com/it/
LITUANIA	Lithuanian	lt	N/A	http://www.youronlinechoices.com/lt/

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[1] The list of codes is referenced from http://en.wikipedia.org/wiki/List_of_ISO_639-1_codes, which is a more digestible form of the original document itself, http://www.loc.gov/standards/iso639-2/php/code_list.php. The RFC that mandates the use of these 2 letter codes for content-language is rfc 1766.

Country	Language	ISO 639 code[1]	String	Default Landing Page URL
LATVIA	Latvian	lv	N/A	http://www.youronlinechoices.com/lv/
NETHERLANDS	Dutch	nl	Info	http://www.youronlinechoices.com/nl/
NORWAY	Norwegian	no	Annonsevalg	http://www.youronlinechoices.com/nor/
POLAND	Polish	pl	Informacja	http://www.youronlinechoices.com/pl/
PORTUGAL	Portuguese	pt	N/A	http://www.youronlinechoices.com/pt/
ROMANIA	Romanian	ro	Optiuni	http://www.youronlinechoices.com/ro/
SLOVAKIA	Slovak	sk	Vaša voľba	http://www.youronlinechoices.com/sk/
SLOVENIA	Slovenian	sl	N/A	http://www.youronlinechoices.com/sl/
SPAIN	Spanish	es	Gestión anuncios	http://www.youronlinechoices.com/es/
SWEDEN	Swedish	sv	Annonsval	http://www.youronlinechoices.com/se/
SWITZERLAND	German	de	Datenschutzinfo	http://www.youronlinechoices.com/ch-de/
	French	fr	Choisir sa pub	http://www.youronlinechoices.com/ch-fr/
	Italian	it	Scegli tu!	http://www.youronlinechoices.com/ch-it/
UK	English	en	AdChoices	http://www.youronlinechoices.com/uk/
DEFAULT	English	en	AdChoices	http://www.youronlinechoices.com/uk/

Appendix B - Determine User Language

The goal of determining the User Language as part of the Ad Marker delivery process is to ensure appropriate information for the web users, so that they can exercise their choice with respect to the collection and use of data for OBA purposes and transfer of such data to Third Parties for OBA.

It is therefore important that the web users see the explanatory text of the Ad Marker, the Third Party interstitial page (if present) and the OBA User Choice site in their local language.

For the purposes of this implementation the primary method to determine User Language is based on the value of browser's language attribute. This approach should work consistently with all parties involved in delivering the Ad Marker, thus avoiding potential situations when the Ad Marker is served by two parties in two different languages.

The value of browser's language attribute can be dynamically detected via JavaScript during Icon delivery[1]. The expected languages in the EU/EEA are those listed in Appendix A – Ad Marker Text by Language.

If the value of browser's language attribute cannot be read or has a value outside of the expected ones, the Ad Marker should behave as if the language was "en" (other defaults may apply in specific markets). Also, for improved user experience, there should be an intuitive language-switching mechanism on the landing page (OBA User Choice Site) or on the Third Party interstitial page (if present).

Third Parties delivering the Ad Marker may choose to use alternative methods for determining User Language, should they prefer to do so, such as GeoIP data, ad language, site language, or manually when trafficking the campaign. For consistency and overall user experience, it is important that Third Parties choosing to use alternative methods make sure that the script displaying the Ad Marker behaves correctly (i.e. if multiple parties serve the Ad Marker, only the upper-most Ad Marker expands in the rolled-out state).

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[1] The browser language may be detected using Javascript by querying the values of navigator.language (Firefox, Chrome, Opera) or navigator.userLanguage (Internet Explorer). An actual example of this in practice can be seen at http://www.gtalbot.org/DHTMLSection/ListAllAttributesAndMethodsOfObjects.html.

Appendix C – Key Contacts

Country	Name	Role	Company	Email	Tel
EU Level	Ionel Naftanaila	OBA Project Manager	EDAA	ionel.naftanaila@edaa.eu	+40723216705
AUSTRIA	Karin Hammer	Vice-President	IAB Austria	karin.hammer@freiedigitale.at	+43(1)8900980-10
BELGIUM	Patrick Marck	General Manager	IAB Belgium	patrick@iab-belgium.be	+32526 5565
BULGARIA	Vesselin Petkov	Executive Secretary	IAB Bulgaria	info@iabulgaria.bg	+ 359882916892
CZECH REPUBLIC	Katerina Hrubesova	Executive Director	SPIR	katerina.hrubesova@spir.cz	+420(224)251250
DENMARK	Allan Sørensen	Head of research and analysis	FDIM	as@fdim.dk	+452783 46 01
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Appendix D – FAQ

Is the Ad Marker required on all ads?

This implementation version supports displaying the Ad Marker on all ads. However, if companies want to display the Ad Marker only on OBA Ads and OBA Collection Ads, they are free to do so. Furthermore, subsequent versions of this document will provide full specification of the 'meta-data' approach needed for displaying the Ad Marker on OBA Ads and OBA Collection Ads only.

Initially the Ad Marker will be shown on all ads as it makes the technical realisation more straightforward, as well as making it clear to see how much reach and support the Icon is getting. Where appropriate, it will be important for the information 'behind' the Ad Marker to be clear to consumers that not all ads are behaviourally targeted. This will be supported by a EU wide consumer education campaign.

Why should I use a footer on my page?

It is strongly recommended that publishers implement a footer link. Whilst this is not an obligation in the Framework, consumers need to be provided with 'enhanced notice' of data collection on a web page . This 'enhanced notice' could also be provided by the Ad Marker in or around the ad (rather than a footer link).

Why is the Agency adserver normally doing the serving?

There are many players in the ad serving value chain, each of which has a claim to serve the Ad Marker. There are drawbacks in each case, however the Agency adserver (which hosts the ad creative file itself) is the most appropriate solution:

- There may be multiple networks, Supply Side Platforms, Demand Side Platforms and exchanges in the chain, so these entities are not suitable for this approach;
- There are thousands of publishers and hundreds of creative agencies involved, so requiring either of these entities to serve the Ad Marker, or embed it in the creative represents insurmountable operational issues;
- There are few advertiser adservers (DART, Atlas, Mediamind, Mediaplex, Adtech and Adform probably themselves constitute 70% of all display ads in EU), and their role at the end of the ad serving chain is clear.

It should be noted that whilst it is most practical for the agency to insert the Ad Marker in most cases, the Third Party (generally the Ad Network) remains responsible for ensuring that this is in place.

What happens if the Ad Marker doesn't get served?

The 'third party' responsible will be deemed to be in breach of the European Industry Self-Regulatory Framework on Data Driven Advertising. See the relevant compliance and enforcement section of the Framework for further details.

Why use browser language rather than IP address, or the language ad (or page)?

There are pros and cons of the various options. The major advantage of navigator.language is that it is the same for everyone involved, regardless of redirects, different geotargeting etc. The use of browser language also allows universal detection via clientJ side javascript rather than dedicated server code. This specification does allow for a vendor to utilise a different mechanism; a valid reason to do so might be irrelevance of the browser language for the user, in specific markets (i.e most browsers are in English, but users don't understand English well).

The Ad Marker clashes with my ad – do I still have to serve it?

Yes. The reason for the roll-in/roll-out approach of the Icon is to cause minimal clash. Also, this specification allows placing the Ad Marker in any of the four corners of the ad, if it causes visual or functional interference with the underlying creative.

Why is the Ad Marker not supported for rich media and in-stream video?

Implementation is more complex for rich media, and the target of 70% of display advertising can reasonably be achieved focused purely on standard banners. This may be updated in a future version of this specification.

What happens if more than one vendor serves the Ad Marker?

This is entirely possible. With everyone adopting the same standard, the Ad Marker should function perfectly well even when layered more than once. However, US experience suggests some clash can occur, and the pragmatic solution is for the downstream company to disable serving the Ad Marker for that publisher or advertiser. In this version of the implementation, that decision can only be made 'offline', i.e. not in real-time. This also applies to the solutions offered by third party Enhanced Notice vendors.

Why does the Ad Marker text "roll out"? Doesn't that make things more complex?

This is different from the approach in the US, and has been adopted in order to accommodate the different language strings in Europe. Some of these strings are likely to be significantly longer than "AdChoices".

Appendix E – Enhanced Notice Providers, "In-Ad Interstitial"

The Icon appears in the top right as per usual.

Clicking the Ad Marker expands an interstitial within the ad itself. This in-ad content should provide the same information and functionality as a full interstitial page.

Appendix F - European Industry Self-Regulatory Framework on Data Driven Advertising

Introduction

The undersigned companies (the "Companies") have developed this European self-regulatory Framework (the "Framework") for Online Behavioural Advertising ("OBA"). The Framework lays down a structure for codifying industry good practices and establishes certain Principles to increase transparency and choice for web users within the EU/EEA which are binding upon the Companies and Associations. The associations listed at the end of this document (the "Associations") have been working jointly on this Framework and support its promotion across the advertising ecosystem. The Principles contained herein are intended to apply consumer friendly standards to Online Behavioural Advertising and the collection of online data in order to facilitate the delivery of advertising based on the preferences or interests of web users. It does not seek to regulate the content of online advertisements nor does it regulate Ad Delivery (as defined below).

Application of the Framework and the Principles

There are a number of differing laws which may apply to OBA, particularly in cases where the data collected or processed relates to an identified or identifiable natural personal and thereby comprises personal data. The Principles assist and encourage Companies to design into their systems and contracts a framework for compliance with applicable law as well as establishing protections for areas that are un-regulated. Given that the applicable law varies from country to country, compliance with these Principles does not guarantee compliance with any applicable law and is not a substitute for such compliance. These Principles provide direct benefits to web users, in particular by standardising consumer notices on web sites or within advertisements, and by creating simple mechanisms for accepting or declining OBA, even though personal data is not implicated. Web users may make complaints about incidents of suspected non-compliance with the Principles against the Companies by following the procedures set out in the Principles.

The Framework applies to OBA focusing on web viewing behaviour over time and across multiple web domains not under Common Control in order to create interest segments or to allocate such viewing behaviour against interest segments for the purposes of delivering advertisements to and by that web user's interests and preferences.

The Framework does not apply to web viewing behaviour for a particular web site or related web sites under Common Control. The Framework applies across the Internet "ecosystem". The Framework has separate provisions for Web Site Operators, Third Parties and providers of desktop application software that engage in OBA. The Framework recognises that a Company may conduct a number of different activities, and therefore the Framework recognises that different Principles and types of notice and consent may therefore be applicable to each different activity.

Definitions

Ad Delivery

Ad Delivery is the delivery of online advertisements or advertising-related services using Ad Reporting data. Ad Delivery does not include the collection and use of Ad Reporting data when such data is used to deliver advertisements to a computer or device based on user preferences or interests inferred from information collected over time and across sites not under Common Control.

Ad Reporting

Ad Reporting is the logging of page views on a web site or the collection or use of other information about a browser, operating system, domain name, date and time of the viewing of the web page or advertisement, and related information for purposes including, but not limited to:

- Statistical reporting in connection with the activity on a web site(s);
- Web analytics and analysis; and
- Logging the number and type of ads served on a particular web site(s).

Control

Control of an entity means that another entity (1) holds a majority of the voting rights in it, or (2) is a member of it and has the right to appoint or remove a majority of its board of directors, or (3) is a member of it and controls alone, pursuant to an agreement with other members, a majority of the voting rights in it, or (4) has placed obligations upon or otherwise controls the policies or activities of it by way of a legally binding contract, or (5) otherwise has the power to exercise a controlling influence over the management, policies or activities of it, and "Controlled" shall be construed accordingly.

Common Control

Entities or web sites under Common Control include ones which Control, for example parent companies, are Controlled by, such as subsidiaries, or are under common Control, such as group companies. They also include entities that are under a written agreement to process data for the controlling entity or entities, and do such processing only for and on behalf of that entity or entities and not for their own purposes or on their own behalf.

Icon

An Icon is a visible web based object that contains a hyperlink to the OBA User Choice Site or to the Third Party Notice described in I.A.1.

Explicit Consent

Explicit Consent means an individual's freely given specific and informed explicit action in response to a clear and comprehensible notice regarding the collection and use of data for Online Behavioural Advertising purposes.

Online Behavioural Advertising (OBA)

Online Behavioural Advertising means the collection of data from a particular computer or device regarding web viewing behaviours over time and across multiple web domains not under Common Control for the purpose of using such data to predict web user preferences or interests to deliver online advertising to that particular computer or device based on the preferences or interests inferred from such web viewing behaviours. Online Behavioural Advertising does not include the activities of Web Site Operators, Ad Delivery or Ad Reporting, or contextual advertising (e.g. advertising based on the content of the web page being visited, a consumer's current visit to a web page, or a search query).

OBA User Choice Site

A consumer focussed web site and education portal (www.youronlinechoices.eu), available in all official EU and the additional EEA languages, that provides a mechanism for web users to exercise their choice with respect to the collection and use of data for Online Behavioural Advertising purposes by one or more Third Parties or links to a mechanism permitting user choice over Online Behavioural Advertising.

Third Party

An entity is a Third Party to the extent that it engages in Online Behavioural Advertising on a web site or web sites other than a web site or web sites it or a an entity under Common Control owns or operates.

Web Site Operator

A Web Site Operator is the owner, controller or operator of the web site with which the web user interacts.

The Framework

Principle I.
Notice

A. Third Party Notice

1. Third Party Privacy Notice—Third Parties should give clear and comprehensible notice on their web sites describing their Online Behavioural Advertising data collection and use practices. Such notice should include clear descriptions of the following:

    (a) Their identity and contact details;

    (b) The types of data collected and used for the purpose of providing OBA, including an indication or whether any data is "personal data" or "sensitive personal data" as defined by the national implementation of Directive 95/46/EC;

    (c) The purpose or purposes for which OBA data is processed and the recipients or categories of recipient not under Common Control and to whom such data might be disclosed;

    (d) An easy to use mechanism for exercising choice with regard to the collection and use of the data for OBA purposes and to the transfer of such data to Third Parties for OBA;

    (e) The fact that the Company adheres to these Principles; and

    (f) A link to the OBA User Choice Site.

2. Third Party Enhanced Notice to Consumers

    (a) In addition to providing notice as described in A.1, Third Parties should provide enhanced notice of the collection of data for OBA purposes via the Icon in or around the advertisement; and

    (b) Third Parties may provide notice via the Icon on the web page where the data for OBA purposes is collected if there is an arrangement with the Web Site Operator for the provision of such notice.

B. Web Site Operator Notice

In addition to complying with applicable existing legal obligations, when a Web Site Operator permits data to be collected from and used on a web site for OBA purposes by Third Parties, the Web Site Operator should provide adequate disclosure of this arrangement. The Web Site Operator does not need to include such disclosure in instances where the Third Party provides notice as described in I.A.2.

Principle II.
User choice over Online Behavioural Advertising

A. Each Third Party should make available a mechanism for web users to exercise their choice with respect to the collection and use of data for OBA purposes and the transfer of such data to Third Parties for OBA. Such choice should be available from the notice described in I.A.1 and via the OBA User Choice Site.

B. To the extent that Companies collect and use data via specific technologies or practices that are intended to harvest data from all or substantially all URLs traversed by a particular computer or device across multiple web domains and use such data for OBA, they should first obtain Explicit Consent.

C. Companies that have obtained Explicit Consent pursuant to II.B should provide an easy to use mechanism for web users to withdraw their Explicit Consent to the collection and use of such data for OBA.

Principle III.
Data Security

A. Safeguards

Companies should maintain appropriate physical, electronic, and administrative safeguards to protect the data collected and used for Online Behavioural Advertising purposes.

B. Data Storage

Companies should retain data that is collected and used for Online Behavioural Advertising only for as long as necessary to fulfil a legitimate business need, or as required by law.

Principle IV.
Sensitive Segmentation

A. Children's segmentation

Companies agree not to create segments for OBA purposes that are specifically designed to target children. For the purposes of this provision, 'children' refers to people age 12 and under.

B. Other Sensitive Segments

Any Company seeking to create or use such OBA segments relying on use of sensitive personal data as defined under Article 8.1 of Directive 95/46/EC will obtain a web user's Explicit Consent, in accordance with applicable law, prior to engaging in OBA using that information.

The Framework

Principle V.
Education

Companies that engage in OBA should provide information to inform individuals and businesses about OBA, including easily accessible information about how data for OBA purposes is obtained, how it is used and how web user choice may be exercised. This may include information in easy-to-understand language and user-friendly format (such as online video). Companies and Associations are encouraged to use a consistent or common resource for such educational information.

Principle VI.
Compliance and Enforcement Programmes

A. Applicability and Eligibility

This Framework is self-regulatory in nature and creates obligations for any signatory Company that self-certifies compliance with the Principles and obligations contained herein. Following the adoption of this Framework and the Icon each Company should comply and self certify by 30 June 2012. Companies adopting the Framework later than 1 January 2012 should comply and self certify within 6 months of adopting the Framework and the Icon.

B. Compliance and Self-certification

Self-certification of compliance shall be limited to those requirements applicable to each Company's business model. In the event that a single Company may be subject to multiple obligations, self-certification must cover all such applicable provisions. Self-certification of compliance with this Framework does not exempt Companies from fulfilling their obligations under applicable national laws.

C. Auditing of Self-certification

Companies that are subject to Principle II shall submit to independent audits of their self-certification. Audits should be of sufficient scope to review compliance of Companies engaging in OBA in the EU and EEA Member States. Such independent audits must demonstrate, at a minimum, the following attributes:

a) Processes for individual and independent review of Company web sites for the purpose of validating compliance with obligations under this Framework;

b) Processes for automated or individualised periodic monitoring of a statistically significant number of web sites where objective evidence of compliance with Principles I and II in this Framework can be verified;

c) Processes for resolving identified areas of non-

compliance directly with the signatory Company in a transparent manner and within a reasonable period of time;

d) Publication of decisions in case of un-rectified non-compliance with any commitments made under this Framework, as well as the findings of general good compliance, for one or multiple Companies that have self-certified under this Framework.

D. Consumer Complaints Handling

Programmes under this Framework for complaints handling shall include the following elements:

a) Easily accessible mechanisms for complaints to be filed directly to Companies;

b) Transparent, easily recognisable and accessible mechanisms for handling complaints through independent, alternative dispute resolution mechanisms such as advertising self-regulatory bodies;

c) Coordination between Companies and alternative dispute resolution mechanisms, including advertising self-regulatory bodies, to ensure that Companies engaged in OBA are not unreasonably subject to multiple enforcement mechanisms regarding compliance with the obligations of the Framework;

d) Consumers filing complaints to a complaints handling body, including advertising self-regulatory organisations shall have access to a simple complaint handling mechanisms in their local language;

e) Publication of decisions in case of non-compliance with the commitments under this Framework, including in the language of the country where the complaint was first launched.

In addition, Companies that are subject to this Principle shall collaborate to make available the OBA User Choice Site.

E. Relationship between Compliance Programmes:

Administrators of relevant auditing and compliance programmes, including existing advertising self-regulatory systems in the context of processing consumer complaints, should ensure effective coordination, including promoting a common audit form within the EU and EEA Member States and with other regions or countries such as the USA.

Administrators of relevant compliance programmes should also coordinate to ensure transparency, consistency and coherence of the implementation and enforcement across EU and EEA Member States.

The Framework

Principle VII.

Review

The undersigning Companies and Associations shall regularly review this Framework at least every 3 years in response to the development of OBA and business practices, and modify or add to the Framework as appropriate.