

Self-Regulatory Program Issues Seven OBA Decisions

JUNE 5, 2012

The Digital Advertising Alliance's Self-Regulatory Program for Online Behavioral Advertising includes an enforcement arm, the Online Interest-Based Advertising Accountability Program (OIAAP). The OIAAP pursues companies that engage in online behavioral advertising (OBA) without following the industry's self-regulatory program ([Self-Regulatory Principles for Online Behavioral Advertising](#)), which includes providing consumers with notice and choice about OBA activities. The OIAAP recently released the results of formal inquiries into the practices of seven companies in the online advertising industry (BlueCava, Turn, DataXu, OxaMedia, Gravity, Rovion, and Facilitate Digital Holdings). In its [BlueCava decision](#), the OIAAP indicated that BlueCava should have explained in its privacy policy that its device fingerprinting technology let it collect and use data for OBA across multiple devices in a household, and should have also explained whether an opt-out applied to all devices or just the device on which the opt out was completed. BlueCava revised its policies to clarify how the technology worked and explain the scope of the consumer opt out provided. BlueCava also agreed to develop a multi-device opt-out mechanism. The OIAAP's [decision regarding Turn](#) emphasized that company websites must clearly state the company's adherence to OBA principles and provide links to the industry-developed consumer opt-out page. The OIAAP [decisions regarding DataXu](#) and [OxaMedia](#) further emphasized that opt-out cookies must actually be effective and opt-out mechanisms must last five years. The OIAAP closed three other inquiries into practices at [Gravity](#), [Rovion](#), and [Facilitate Digital Holdings](#) because each company represented that it is not presently engaged in OBA.

Tip: This case serves as a reminder that companies that engage in OBA activities should ensure that data tracking for behavioral advertising purposes is sufficiently well disclosed, as the OIAAP has demonstrated that it is actively pursuing violations of the industry's self-regulatory principles.

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