

Better Business Bureau Reminds Industry that OBA Notice and Opt-Out Apply to More Than Just Cookies

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In a recent compliance warning issued by the [Better Business Bureau](#), the BBB warned companies that Self-Regulatory Principles for Online Behavioral Advertising were applicable to OBA activities regardless of the technology used to collect and use information about consumer web browsing activity (which information is then used to serve interest-based ads). Specifically, the BBB's compliance warning makes it clear to companies that the OBA principles do not apply only to cookie-based information collection, but also to other technologies including flash cookies and cross-device technology such as device fingerprinting. In its compliance warning, the BBB again highlighted its intent to ensure that advertisers and companies that are developing novel OBA technology are also developing enhanced notice and opt-out solutions in order to adapt and comply with the underlying intent of the OBA Principles. For example, in a 2012 action against BlueCava, the BBB asked BlueCava to develop a cross-device opt-out which was not technically required under the OBA principles but still a best practice according to the BBB.

TIP: Companies employing cookie-less OBA tracking technology should ensure that they are providing adequate notice and opt-out of such tracking, including opt-out of multiple devices if such tracking occurs across multiple devices.

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