

FTC Finalizes Settlement Over Ad Tracking Opt-Out

JUNE 1, 2017

The Federal Trade Commission (FTC) approved a [final settlement](#) with a digital ad company, Turn, Inc. The FTC alleged that Turn continued to track consumers after they had opted out of such tracking. Turn builds profiles for digital marketing through its mobile and app-based data management and analytics services.

According to the FTC's [complaint](#), Turn used persistent identifiers to track consumers on mobile apps even after a user followed the privacy policy's instructions to opt out. The policy's instructions stated that "[i]f you'd like to opt out of tailored advertising from Turn, please click here to be taken to our opt out page." The policy went on to explain that if a user selected this option, an opt-out cookie would be placed, telling the Turn "servers not to deliver tailored, anonymous ads to you."

According to the FTC, this "conveyed to consumers" that the process would block tracking. However, while tracking through cookies did stop and tracking thus stopped on mobile browsers, Turn continued to track users through different technology, and thus continued its targeted advertising on mobile apps.

In the settlement, which was recently finalized, Turn agreed to fix its opt-out process, and to not otherwise misrepresent how it collects, uses, discloses, retains, or shares consumer information, nor misrepresent the extent to which consumers can limit, control, or prevent those data practices.

TIP: This case is a reminder for companies to look closely at opt-out mechanisms and ensure that they work as represented—both expressly and implicitly—to consumers.

1 Min Read

Related Locations

Chicago

Related Topics

Tracking and Monitoring

Online Privacy

Mobile Privacy

Related Capabilities

Privacy & Data Security

Related Regions

North America

This entry has been created for information and planning purposes. It is not intended to be, nor should it be substituted for, legal advice, which turns on specific facts.