The Accountability Program has exercised its discretion under § 4.0(C) of its Procedures1 to close reviews of seven companies for compliance with the Digital Advertising Alliance (DAA) Self-Regulatory Principles for Online Behavioral Advertising (Principles). The cases, which arose from anonymous consumer complaints, fell into two categories: one, issues concerning covered entities whose interest-based advertising (IBA) practices were ultimately determined to be in compliance with the Principles; and two, issues determined to be outside the scope of the Principles.

Background:

As part of its routine self-regulatory activities, the Accountability Program receives, reviews, and responds to several thousand consumer complaints each year. In its four years of operation, the Accountability Program has handled well over 10,000 complaints, most of which have been unrelated to IBA. In most cases, the Accountability Program is able to address the complainant’s concerns without opening a formal inquiry. However, where a complaint states an actionable claim, the Accountability Program will exercise its discretion to formally investigate the company’s IBA activities to determine whether there is a likely case of non-compliance with the Principles. If so, the Accountability Program will work with the company to bring it into compliance. After conducting its independent investigation of the allegations in the seven cases closed here, the Accountability Program determined that no action was warranted and therefore administratively closed the cases without further action.

We provide for the record brief summaries of the facts surrounding these closures.

I. Covered Entities Found to be Compliant

Five of the seven cases arose out of complaints alleging that certain companies were engaged in IBA but lacked either an opt out or a statement of adherence to the Principles. The Accountability Program fully investigated each complaint, contacting the companies where necessary to confirm its findings. At the end of these investigations, the Accountability Program determined that all five companies offered working opt outs and compliant statements of adherence. The Accountability Program contacted the complainant and explained its findings and conclusion that the companies were in compliance.

II. Complaints outside Scope of the Requirements of the Principles

In two cases, the complaint related to information that was not required to be provided under the Principles. Therefore, these cases were outside the scope of the Accountability Program’s compliance authority.

In one case, a company which the complainant believed to be engaged in IBA failed to provide a working opt out. Upon investigation, the Accountability Program determined that the company in question had been acquired by another entity. As a result of this acquisition, the complained-of company’s business model had changed, and it now engaged only in ad reporting as defined by the Principles, not IBA. Ad reporting consists of services designed to improve the user experience, such as frequency capping or website analysis. These types of ad reporting services are not IBA and are therefore outside the scope of the Principles. For that reason, the company did not need to provide an opt-out mechanism.

In the other case, where a consumer complained about a broken link on an industry-developed consumer choice page, the Accountability Program found that the link in question was not the required opt-out link. That opt-out link, required under the Principles, was fully functional. The broken link in question was intended to go directly to the company’s privacy policy as a convenience to consumers. The Accountability Program notified the industry-developed webpage of the break in the link to the privacy policy, and the link was repaired. While it was unfortunate that the link that the website provided to the company’s privacy policy was broken, this broken link did not constitute a compliance infraction under the Principles because it did not impair the ability to exercise choice with respect to the company, and all opt outs on the industry-developed webpage worked smoothly.

Disposition:

Administratively closed.

2 Principles at 9, Definition B (“Ad Reporting is the logging of page views on a Web site(s) 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 advertisements served on a particular Web site(s),”)

3 In addition to the opt-out link required on an industry-developed consumer choice page, this particular webpage offered a link to the privacy policy and a link to the homepage of every company listed.