

## Future of Privacy Forum W3C Do Not Track Position Paper – Request to Participate

Jules Polonetsky is Director of the Future of Privacy Forum, an industry supported Washington based think tank which includes an advisory board of advocates, academics, data privacy regulators and Chief Privacy Officers. Jules was previously the Chief Privacy of AOL and of DoubleClick, as well as the Consumer Affairs Commissioner of New York City.

Shaun Dakin is a Fellow at the Future of Privacy Forum, where he focuses on privacy issues related to applications. Shaun is also the Founder of PrivacyCamp and the National Political Do Not Call list.

Since its founding in 2008, the Future of Privacy Forum has played a role in helping advance consumer friendly and business practical online privacy practices. We designed and consumer tested an icon for companies to use to indicate that an ad is behaviorally targeted. We have coordinated a group of companies focused on improving the current cookie based opt-out process, and have held several public and non-public programs to advance conversation of the Do Not Track header. We have generated data flow charts to explain how information is used by the range of participants in the online marketing ecosystem and act as an expert resource for media, policymakers and leading companies. Jules was a member of the W3C working group involved in the development of the P3P standard and was a founder of the Network Advertising Initiative, the group of ad networks that set in place the original self-regulatory program requiring ad networks to provide cookie based opt-outs for behavioral advertising.

The Future of Privacy Forum has argued that the Do Not Track header can play a key policy based role in advising companies that a particular user doesn't want to have their data used for more robust personalization or marketing purposes. We think the current opt-out process relying on cookies is faulty and unreliable. In the mobile and app ecosystems, where a range of methods are used for tracking and where cookies aren't always available (or are limited for first party use), the cookie related opt-out for behavioral ads is of very limited value. We think that it will be useful for a Do Not Track header to be cognizant of the relevant self-regulatory programs to be able to leverage industry acceptance and oversight. But we also think that there may be areas where industry programs have been unclear about scope and efforts to use a header may provide opportunities for further progress.

We also think that Do Not Track headers should not be viewed as a technical privacy solution, replacing enhanced cookie controls or other private browsing features that will continue to develop, nor as a comprehensive solution for all online privacy issues. Rather, it should recognize that the same types of data maybe collected by companies for purposes with a range of privacy impact, whether for very limited analytics or very robust targeting and sharing. Technical controls that seek to limit data will either over block or underblock. A header is best

viewed as a policy based solution that can be described in a very simple and clear manner to mass audience users with an effect they can understand. For example – don't let other companies tailor ads for me based on my visit to a web site. Complexity or great detail and nuance in this area may complicate consumer understanding and diminish the value of the use of the header.

Given our position as a convenor, and an entity that takes input from a range of industry, advocacy and academic actors, the above position is not a formal position of the Forum. Our main goal is to advance privacy practices in a manner that provides additional control and transparency for consumers, while supporting responsible uses of data. Jules would be pleased to participate at the program in any way useful, but may be particularly useful as an active moderator, a role he very often plays.

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