**DO NOT TRACK PROTOCOLS & THE POTENTIAL IMPACT TO ONLINE ADVERTISING: PUBLIC COMMENT**

*The W3C has released a document outlining technical specifications on how Do Not Track browser settings should be implemented and to whom they will apply. The statement below highlights key issues found in the specifications that will adversely impact the online advertising industry. The document is now open for public comment to the W3C to allow the public and industry an opportunity to voice and highlight concerns about the proposed specifications.*

On April 23, the Technical Preference Expression (TPE) was released to outline protocols on how to implement and respond to Do Not Track (DNT) browser settings, and attempts to define “tracking” relevant to online advertising. The following is to qualify as public comment in response to the released TPE document.

The released TPE specifications for DNT has raised concerns within the industry that, if adopted by regulators or legislators, could have adverse implications for when and how data can be collected which would dramatically impact the online advertising industry.

GroupM believes in transparency, consumer choice, and consumer education. We support the Ad Choices program, which is a self-regulatory opt-in model that is more privacy friendly. It offers both transparency and choice to consumers about who is collecting data and when. The released TPE standards do not allow for nearly as much choice, as they require an affirmative opt-in, the Default setting on browsers would be set to DNT, and with respect to first parties users have very little control over how that data is collected and used. The proposed specifications will allow for inequalities in data ownership and contain confusing specifications. Further, the specifications incorporate policy by attempting to define “tracking” which is out of scope for this document.

**Inequalities in Data Ownership and the Impact on Small Business:** The protocols released in the TPE provide a definition of “tracking” that provides an overly broad exemption for large integrated companies to collect data. This means that collection and use of data across websites owned or controlled by the same party(s) will be permitted by these parties. This will allow larger internet companies like Facebook, Google, and Yahoo, with substantial media properties to have disproportionate control over data collected, tipping the competitive advantage in their own favor. Ultimately this will result in rising prices for advertisers, limiting revenue for publishers, and a decrease in unique content available to users. Small businesses wishing to leverage third party data for targeting, research, and attribution, will be precluded as they will be unable to compete with the large conglomerates that control the data. The end result is that small businesses will not be able to continue to market efficiently, (they will no longer be able to compete to run targeted campaigns as these large companies will control the data sets), and they will have a more difficult time housing unique content (without an ad supported internet, small businesses will not be able to afford to pay content creators for their unique content). In the end, the user’s data is still collected. It is just a difference of by whom.

**Confusing specifications:** The technical specifications that have been released are confusing and not particularly user friendly. The TPE is designed to be express user’s choice preference regarding tracking. However, the protocol lacks a method to identify and validate the origin of the signal, which means other variables, (for example routers, antivirus software, browser plugins) may all insert a DNT signal. This signal inserted by this variable is not necessarily reflective of the user’s preference. Furthermore, the only companies that would have to honor DNT are those who do not currently have any information about you in the first place. As such, users will have a very difficult time understanding when DNT applies. This will create confusion when users attempt to manage their privacy and exercise choice when it comes to data collection.

**Public Policy:** The TPE is meant to be a technical standard; however it has encompassed significant policy details that are not meant for consideration in the W3C forum and are better left to policy makers and industry groups. Past experience has shown significant public policy issues do not belong within the working group. A default setting that automatically blocks content takes away the consumer’s right to choose and begins to undermine the successes celebrated by the self-regulatory programs.

In summary, self-regulatory programs provide users with choice and transparency, two principles supported by GroupM and many other industry groups working in the online space. We continue to support these principles. We also feel it necessary to voice concerns for the impact that will be felt by the online community, users/consumers and marketers alike, if the TPE is adopted.