



March 3, 2013

Thomas Roessler
Peter Swire
Matthias Schunter
World Wide Web Consortium
32 Vassar Street, 32-G519
Cambridge, Massachusetts 02139

Re: Tracking Protection Working Group Charter Renewal

Dear Thomas, Peter & Matthias:

I understand the Tracking Protection Working Group (the “TPWG”) [charter](#) was quietly renewed for a second time (the “Second Renewal”) in January of 2013, and that an [announcement](#) of the Second Renewal was made on February 12, 2013.

Pursuant to W3C rules, I am formally objecting to the Second Renewal within the three-week window pursuant to W3C bylaws.

By way of background, the TPWG was initially chartered in 2011. The initial TPWG charter was created prior to the time when many TPWG members were officially part of the group. And over the past 18 months - during many TPWG face-to-face meetings and calls - discussion of browser UI was [routinely halted](#) as being [out of the scope](#) of the charter.¹

The first time the TPWG charter was renewed was during the summer of 2012 (the “First Renewal”). At that time, many in the WG expressed major concerns about the progress of the TPWG generally, and noted a lack of clarity regarding interpretations of the group’s charter.

In contrast to the Second Renewal, the First Renewal was openly deliberated on the TPWG mailing list, and it was [specifically raised as an issue](#) to be addressed by the working group. Further, the First Renewal was [discussed](#) during the face-to-face meetings in Bellevue. While acquiescing to the First Renewal, many within the WG clearly stated that any subsequent renewal should be discussed by the WG. It is extremely disappointing to see that such legitimate requests appear to have been ignored.

I found it rather surprising when an email announcing the Second Renewal was sent the evening of February 12, 2013 – after two days of face-to-face discussions within the TPWG at MIT. In my opinion, the face-to-face meeting would have been an appropriate

¹ In June of 2012, my position had been that the UI “probably did not” merit a renewal of the charter. Subsequent events have changed my position on this issue. It is also worth noting that the browser UI issue was only one of several substantive points related to the charter where there was a lack of clarity amongst TPWG members.



time for the Second Renewal to be discussed by W3C leadership. When I (and others) inquired about the Second Renewal during day three of the face-to-face on February 13, 2013 the explanation from Thomas Roessler can be characterized² as: a) sorry, W3C forgot to mention it until now, and b) TPWG members should have “raised it at the workshop in November.”

With that as background, here is a summary of my objections:

- W3C leadership renewed the charter without discussion AND DESPITE CLEAR OBJECTIONS RAISED BY TPWG members.ⁱ The failure of W3C leadership to pursue the Second Renewal transparently as it had during the First Renewal is inappropriate – particularly given that lack of progress within the group and that TPWG members had expressed their desire to discuss the charter prior to renewal.
- W3C leadership’s answers to questions regarding the Second Renewal were non-responsive - The W3C’s claim that Second Renewal discussions were slated to take place during the November 26 workshop are not based in fact. The term “charter renewal” did not appear on the workshop invitation; nor on the workshop agenda. Someone reading through the documentation for the November 26 workshop would be unlikely to have understood that the workshop was the appropriate time to raise the charter renewal issue. And the notion that W3C leadership simply forgot to mention it prior to the email announcement given that it was raised in multiple places is difficult to understand.
- W3C leadership and trust – the W3C leadership asked TPWG members to stand down in late 2012 so as to give new co-chair Peter Swire some breathing room in order to find his footing. Having acquiesced to this request, I would be gravely disappointed to discover that I have forfeited my rights as a result.
- Charter scope has routinely been cited by TPWG co-chairs as a mechanism to halt productive discourse within the TPWG – One such discussion was halted despite the fact that near majority of WG members had interpreted the charter differently from a co-chair.ⁱⁱ

On Friday, March 1, 2013, Thomas Roessler sent an email to the TPWG mailing list announcing a separate mailing list designed to “discuss proposals around extending the charter's scope.” While I appreciate the effort, opening a non-binding mechanism for future discussion does not erase the illegitimate and non-transparent process that was utilized to drive through the Second Renewal over the clear objections of members of the TPWG.

² Oddly, this important discussion took place without a scribe.



The W3C's failure to conduct the Second Renewal in a transparent manner constitutes a fatal flaw that will negatively impact the legitimacy of this group's output unless rectified. Similarly, failure to follow process in the Second Renewal raises process concerns at the exact moment that W3C leadership seems intent on moving as quickly as possible to a Last Call document. As noted by the former TPWG co-chair in an email to the email list on February 13, 2013 "[\[f\]air process matters](#)." Indeed.

After nearly two years of deliberation, members of the TPWG do not yet agree on the harms we're trying to address, or the problems we're trying to solve with DNT. Few (if any) TPWG members – from advocates to browser companies to advertising industry participants - are happy with the progress of the group. And many are increasingly skeptical that the standard will adequately meet their goals.

Significant time and effort has been placed into the TPWG – and given the lack of progress over the past six months, an examination of how much longer group members should continue to invest in this process would have been prudent. Rather than entertain this discussion, the W3C leadership chose to renew the charter until April of 2014. I have grave concerns that the Second Renewal is part of a push to Last Call at the expense of creating a set of coherent and meaningful standards.ⁱⁱⁱ

Frankly, I'm not sure that the W3C is the right venue to address these type of policy issues. But if the output of this group is to have any legitimacy, we need to embrace a transparent process.

Therefore, I am formally objecting to the Second Renewal of the TPWG charter, and respectfully request that further TPWG work cease until such time as a discussion of the charter of the group may be facilitated by W3C leadership.

Sincerely,

A handwritten signature in black ink, appearing to read "Alan Chapell", is written over a light gray rectangular background.

Alan Chapell

CC: Tim Berners-Lee

CC: Jeff Jaffe

i See, for example, the minutes from the TPWG call on November 14, 2012. A follow-up email on this issue was sent to Aleecia MacDonald, Thomas Roessler, Nick Doty and Ian Fette on November 14, 2012.

Tracking Protection Working Group teleconference -- 14 Nov 2012

www.w3.org/2012/11/14-dnt-minutes

< ifette > Current charter expires 1/2013

aleecia: no f2f until the new year,

< ifette > Will we discuss charter issues?

< WileyS > Aleecia - understood - I meant do you expect another f2f at all - in 2013

< Chris_IAB > SO, another f2f next year?

< ifette > Putting it out there that I would object to another extension w/o group discussion on scope and progress

aleecia: thomas is clean up actions and issues, and so on.

< WileyS > Aleecia - would be helpful for me to know ASAP for budget planning purposes

< Chapell > +1 to Ian and charter renewal

< rigo > there will be a F2F on Global considerations in January. Kimon is planning for a nice southern european location

aleecia: we are adjourned. scribe faints

< npdoty > ifette, sure, definitely follow up with us

< Walter > rigo: my vote would go to someplace in France, the other countries will have too many riots

< npdoty > chair: aleecia

Summary of Action Items

[NEW] ACTION: aleecia to work with tljmayer on combining options on compliance hook [recorded in <http://www.w3.org/2012/11/14-dnt-minutes.html#action03>]

[NEW] ACTION: auerbach to write non-normative text on unlinkability (with Shane) [recorded in <http://www.w3.org/2012/11/14-dnt-minutes.html#action01>]

[NEW] ACTION: fielding to clarify text around compliance hook options and indications of non-compliance [recorded in <http://www.w3.org/2012/11/14-dnt-minutes.html#action02>]

[NEW] ACTION: walter to propose a refinement to debugging permitted use [recorded in <http://www.w3.org/2012/11/14-dnt-minutes.html#action04>]

[End of minutes]

Minutes formatted by David Booth's [scribe.perl](#) version 1.137 (CVS log)

ii See for example, the meeting minutes from October 17, 2012.

SV_MEETING_TITLE -- 17 Oct 2012

www.w3.org/2012/10/17-dnt-minutes

aleecia: action 246 the most contentious thing on call-originally was david wainberg's re public commitment re: dnt... has turned into discussion of how to have multiple flavors of dnt. ... problem is the content, not that topic has changed

< Chapell > I can't hear Aleecia

< WileyS > Aleecia - I don't believe its fair to call it "multiple flavors of DNT" and injects bias into your point of view. Could we please choose a more neutral phrasing to be fair to the group.

< jeffwilson > aleecia: 246 is problematic because it contemplates UI and general purpose tool

< Chris_IAB > Only able to join IRC today as I'm in flight

david wainberg: would disagree that this has departed from original purpose, to help companies make commitments about compliance, and don't think it's a general purpose tool

< WileyS > +1 to David

< Chapell > +1 to David

[aleecia had said we can't create general purpose tool]

< jeffwilson > dwainberg: disagree with aleecia that 246 creates an issue via general purpose tool

< rigo > WileyS, I think this is not possible with this protocol and I said that on the mailing list

< WileyS > This isn't general purpose. Discussion of data retention and unlinkability are clearly "general purpose"

aleecia: idea was to say this is what you must do to comply w dnt, but this is moving into general purpose of saying this is what we are doing

< Chapell > Aleecia - can you explain how this violates the charter

< Chapell > I'm not following

< WileyS > Rigo, understood but I disagree with your point of view

< WileyS > +q

aleecia: have walked up to that line before....but here we are saying we don't know what outcomes will be...

< WileyS > Who is the heavy breather on the call?

< Walter > Zakim: mute Walter

shane: disagree that this is against charter of working group., what is process to make that determination? this is not general purpose but related to small number of compliance standards

< Chapell > +1 to Shane

< rigo > ack

shane: ...these other standards are well known and have long history. 50% of working group disagrees with your decision that this violates charter

< Chris_IAB > Charter also says that we wont create a complex solution; based on that, it seems we are way out of charter in general

< WileyS > Rigo - please put your legal cap on for this discussion

< fielding > The charter says "The Working Group will not design mechanisms for the expression of complex or general-purpose policy statements."

iii See notes from face-to-face meeting at MIT on February 12, 2013.

Tracking Protection WG F2F, Cambridge, MA -- 12 Feb 2013

www.w3.org/2013/02/12-dnt-minutes

flattop grill

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<Justin> johnsimpson, my proposed definition: the collection/retention/use/sharing of data across multiple parties' web domains in a form such that it can be attributed to a specific user or device. Which of those terms we use is dependent somewhat on how those terms are defined.

fielding: frustrated, if 1st party uses service provider to retarget data from its own site.....

<BerinSzoka> gee, good thing we didn't actually dwell on those pesky harm and cost/benefit questions so we could race through this enormously long queue...

peter: is this the qu? if first party retargets based on surfing on own site using processor

<Justin> Could Amazon or Zappos use a third party ad network (in a service provider relationship) to serve ads based on its first-party data?

fielding: meant that service provider uses data from first party site to retarget user

<rvaneijk> Justin: my view is no.

<vinay> Is the use case to serve targeted content/ads on its own site, or on an unrelated site?

susan: not sure this use case exists but theoretically it could

<Justin> Curious what Peter's view is.

<vinay> for example, is the question can Amazon use appended data from a service provider to serve targeted content on amazon.com; so long as the service provider cannot use any of amazon's data outside of this particular use case

<Justin> vinay, unrelated site.

fielding: if dat als being passed outside control of first party, and third party can use it then not permitted by dnt 1, but if still in 1st party control, then wouldn't that be outside dnt 1

peter: this is my first take on this

Justin: follow up based on roy

<vinay> ah, okay -- I thought you were answering on a related site. on an unrelated site, I would consider that a company can't do that (if DNT:1 was enabled).

can amazon use doubleclick as service provider

to retarget based on activity on its own site

<fielding> works for me to say it is an issue going forward

peter: will work on that

daidsinger: wanted to reduce size of ocean when i wrote this definition

<fielding> dsinger, I disagree -- we have been stalled for six months

I think we have on table a doc that has not changed much in 6 months, we have general consensus about shape of doc.

my feeling is we are not learning much any more, need to go ask people to go try to implement it

<alecia> +1 for getting a draft into the wider world

<alecia> and planning to revise

it's voluntary, need voluntary experimentation phase

also good that it's a global doc, so that helps implementers, it's global

let's just try to get something out, a last call which means it may not be right or perfect but let's get something out soon

peter: for other standards, is last call imperfect?

daidsinger, yes

Find: last call

Next Previous Highlight all Match case