

Adtech Phase 2: Key findings



What did we focus on and what did we do?

Key areas of focus:

- Processing of special category data
- Data supply chain: security and contractual controls

Actions:

- Further information gathering exercises
- Detailed engagement with key actors eg IAB, Google
- Liaising with other DPAs
- Further work on policy positions
- Looking ahead to solutions/alternatives

Update report into adtech and real time bidding

20 June 2019

A reminder...

- Lawful basis and transparency
- Processing of special category data
- LI tests and safeguards
- Risk assessments and DPIAs
- Complex & unclear privacy information
- Disproportionate sharing of information
- Data supply chain – contractual controls
- Data minimisation and retention
- Security guarantees

Special categories of data (SCD)

Article 9(1) GDPR



Personal data revealing:

- **racial** or **ethnic** origin;
- **political** opinions;
- **religious** or **philosophical** beliefs;
- **trade union** membership

Processing of:

- **genetic** data;
- **biometric data** for the purposes of **uniquely identifying** a natural person;
- data concerning **health**;
- data concerning a natural person's **sex life** or **sexual orientation**

1. **Confirmed:** some direct processing of SCD, without explicit consent
2. **Confirmed:** processing of SCD by inference
3. **Established:** general reliance on contracts to limit SCD processing

BUT: Widespread agreement on SCD among industry



**Data supply chain: security, contractual
controls**

4. **Confirmed:** over-reliance on contracts as 'guarantees' of security
5. **Confirmed:** inconsistent contractual arrangements / terms
6. **Confirmed:** lack of clarity over controller/processor (and joint controller) arrangements
7. **Confirmed:** lack of specific details on security measures



**Transparency, lawful basis and risk
assessments**

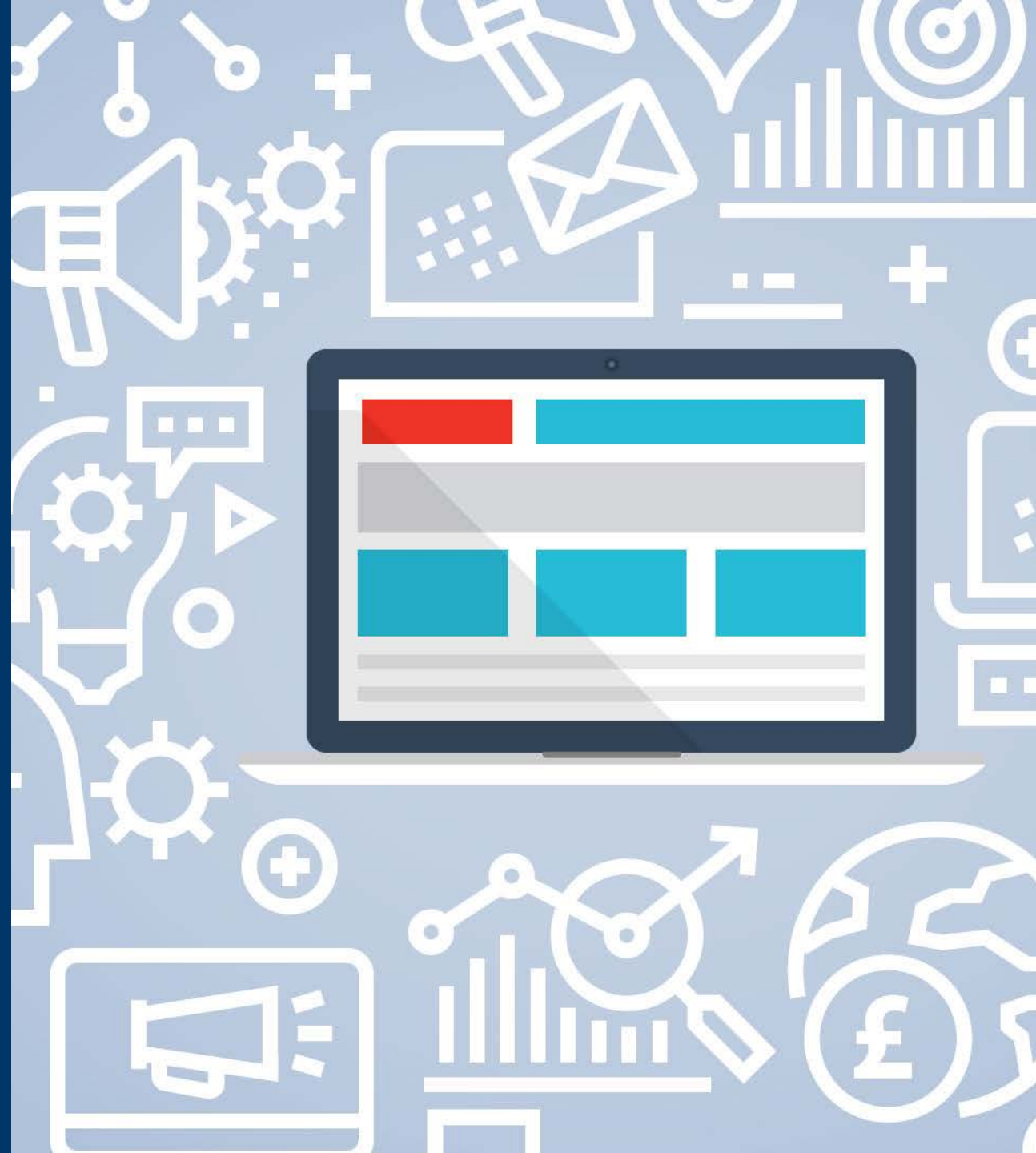
8. **Confirmed:** inadequate and (in some cases) inaccurate transparency information
9. **Confirmed:** Privacy policies lack clarity and information provided is conflicting
10. **Confirmed:** Unclear how to withdraw consent
11. **Confirmed:** Poor standard of legitimate interests assessments



12. Confirmed: Inadequate and inconsistent DPIAs

Established:

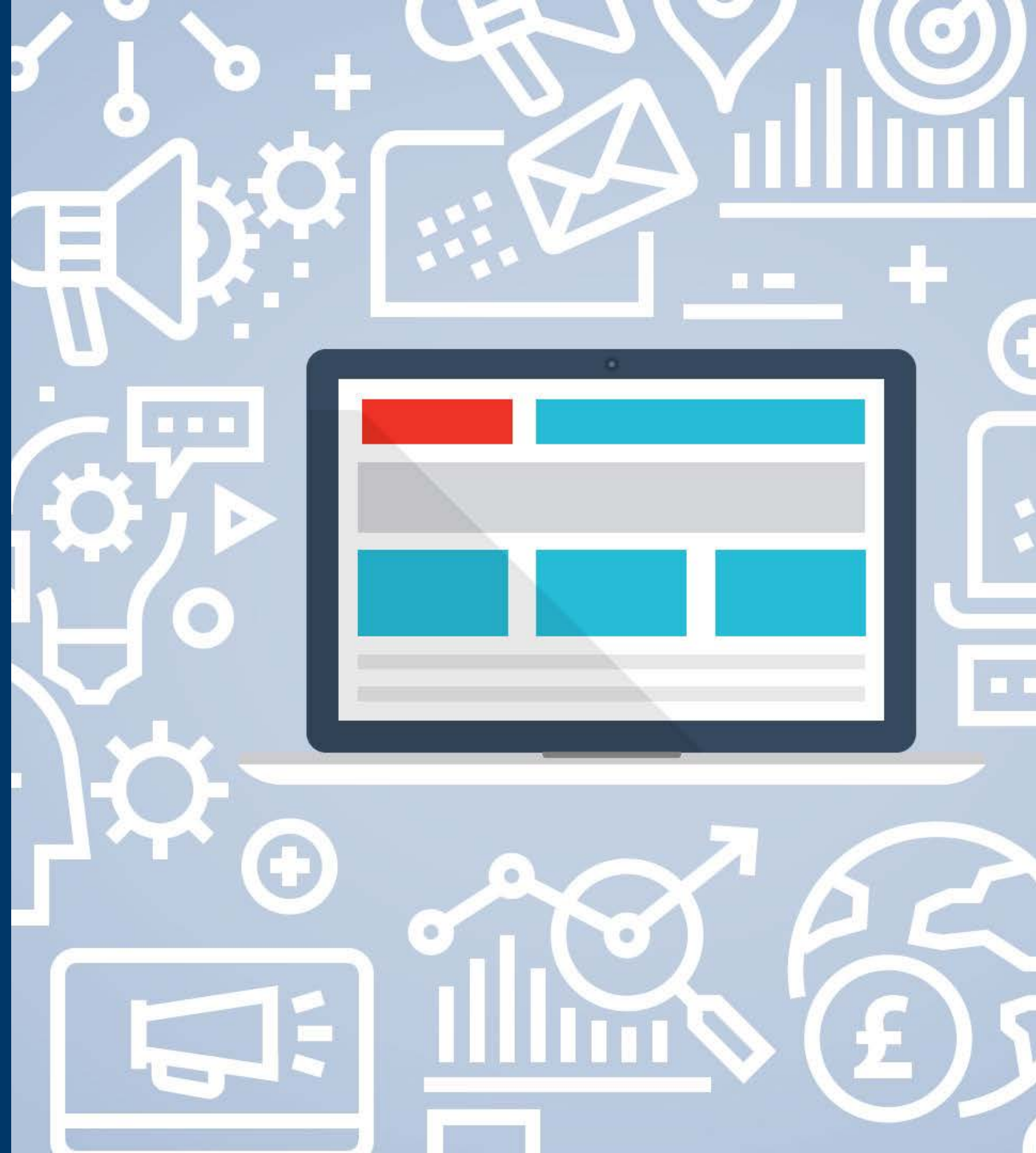
- Need to do DPIAs not generally identified
- Processing descriptions not systematic
- Little evidence of internal/external consultation
- Inadequate necessity and proportionality assessments
- Inadequate assessment of risks to individual rights



Additional

Data retention:

- Retention of personal data from bid requests and responses without justification
- Lack of appreciation of retention requirements
- Lack of consistent or standardised retention periods
- Large volumes of personal data retained for no good reason





What happens next?



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