

October 15, 2015

Via online submission

Office of the Secretary

Bureau of Consumer Protection

Federal Trade Commission

600 Pennsylvania Avenue, NW Washington, DC 20580

RE: Comments regarding the FTC Workshop on Cross-Device Tracking by Network Advertising Initiative:

[Network Advertising Initiative](#) (“NAI”) is pleased to submit comments to the Federal Trade Commission (“the Commission”) regarding its November 16, 2015, Workshop on Cross-Device Tracking.

For the past 15 years, NAI has been the leading non-profit self-regulatory association comprised exclusively of third-party digital advertising companies dedicated to responsible data collection and its use. NAI first developed and adopted a set of self-regulatory policies for online advertising, the Self-Regulatory Principles, in 2000. At the time, in its Report on Online Profiling, the Commission “unanimously applaud[ed]” NAI for developing these groundbreaking principles.

NAI updated its self-regulatory principles, also referred to as the Code of Conduct (Code), in 2008, 2013, and 2015, in response to the rapidly evolving changes in the digital world. However, the Fair Information Practice Principles (FIPPs) continued to serve as the underlying basis for every iteration of, and update to, the Code. The Code applies FIPPs to the Interest-Based Advertising (IBA) activities of NAI member companies in the United States. Overall, the goal of the Code is to incentivize privacy by design and responsible data collection and use practices by NAI members.

Today, consumers are able to access the Internet through various connected devices, such as browsers on desktops and tablets as well as applications on smartphones. Consumers interact with multiple and unaffiliated technology providers, including platforms, software applications, service providers, and websites through their movement across these various connected devices. In turn, these technology providers may collect data to link or identify these digital touch points to a user for advertising purposes¹.

¹ This practice of identifying and linking browsers, applications, and/or devices as belonging to one user are addressed as “Cross-Device Linking” in these comments.

NAI intends to guide its members in applying NAI's self-regulatory framework to their Cross-Device Linking practices and services. By utilizing its existing principles to guide Cross-Device Linking, NAI will help the digital advertising industry self-regulate their Cross-Device Linking activities.

Further, in order to provide an effective self-regulatory framework, NAI will support its guidance by applying its existing rigorous compliance and enforcement procedures to its members' Cross-Device Linking practices. The compliance process begins before members are admitted to NAI and involves detailed evaluations of applicants' business models to help confirm that their business practices are capable of meeting the requirements of the Code. Once members are admitted, compliance measures continue through automated technical monitoring of members' opt outs and changes to privacy disclosures as well as comprehensive investigations of allegations of non-compliance with the Code. Further, NAI performs in-depth, annual reviews of members to help them ensure that their business operations continue to comply with the Code - even as their business models evolve. NAI also provides consumers, regulators and others visibility into NAI's compliance program and self-regulatory process through publication of an annual compliance report. In summary, accountability is at the heart of NAI.

NAI believes that effective self-regulation is the best method to respond to changing business practices, technological advances, and consumer expectations. Similarly, self-regulation is particularly effective in the ad tech space where innovation is exceptionally rapid. Further, members continually demonstrate an ability and willingness to adapt and adjust self-regulatory frameworks to new and challenging issues as they emerge.

We respectfully encourage the Commission to consider the following points in evaluating the privacy issues around the Cross-Device Linking for advertising and marketing purposes:

1. NAI will be expanding its self-regulatory principles to Cross-Device Linking for advertising and marketing purposes, which helps protect consumer privacy while also not unnecessarily limiting advertising campaigns across devices. NAI believes that self-regulation is key to allowing consumers to continue to benefit from and enjoy the free services and content that they have come to expect.
2. Self-regulation also allows for flexibility and nimbleness in monitoring and managing new and ever evolving technologies used for data collection and use. It also allows for proper notice and choice mechanisms based on the surrounding circumstances and varied business models in changing advertising practices, as well as accommodating creative and innovative solutions for providing such notice and choice.
3. NAI's goal is to provide, or help to provide, a centralized, industry education page for consumers to learn more about Cross-Device Linking practices. NAI and its members believe that education is key to giving consumers comfort about Cross-Device Linking practices.

NAI and its members are committed to continuing to lead the industry in setting robust privacy standards through strong and effective self-regulation. NAI fiercely believes that self-regulation is the best means of providing appropriate protections and choices to consumers while also leading to further innovation around services that benefit consumers. NAI will look to FIPPS and its existing Code to create guidance with its members around responsible data collection and use practices for their Cross-Device Linking practices.

Thank you for the opportunity to submit comments on Cross-Device Linking. We look forward to learning more at the November Workshop.

Respectfully submitted,

Network Advertising Initiative