

## FAQs for DAA CCPA Privacy Rights Icon and Opt-Out Tools What They Mean for Agencies

CA Do Not Sell My Info 

### As an agency, how do I use the new DAA Icon and Opt-out Tools?

The CCPA, among other requirements, expects “businesses” that “collect” and “sell” “personal information” about California residents to provide “consumers” with notice of those practices, and an opportunity to opt out of “sales” of that “personal information.”<sup>1</sup>

If you or your client(s) operate a website or app and let third party business(es) collect personal information through your digital property, you can use the new [DAA guidance](#) to provide CA residents with explicit notice of collection and access to tools to stop the sale of such data by third parties. The guidance also applies to you if you collect personal information from CA residents through non-affiliated digital properties, wherein you can integrate into the tools and allow consumers to stop the sale of such data.

### What are the new DAA Privacy Rights Icon & CCPA Opt-out Tools for?

The DAA provides a **new Privacy Rights Icon** and related CCPA Opt-out Tools, which are different than the AdChoices icon. [AdChoices](#) should continue to be used to provide notice and access to an opt-out mechanism for the collection, use, and transfer of [Multi-Site Data](#), [Cross-App Data](#), and other data that is collected by certain businesses across digital advertisements, web sites, and mobile apps for covered purposes.

The new [Privacy Rights Icon](#) and CCPA Opt-out Tools<sup>2</sup> are crafted to respond to the CCPA. They provide a way for digital properties to give consumers clear and explicit notice about the fact that “personal information” may be collected and “sold” when the consumer visits a particular digital property (e.g., app, web), by either the operator of the digital property or a third party. The Privacy Rights Icon and the tools provide consumers with access to an easy-to-use mechanism for opting out of such “sale” for a variety of third-party companies in the ecosystem.

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<sup>1</sup> The CCPA is a new and novel area, which is subject to change and interpretation. The DAA is not providing legal advice or warranting that its offerings will ensure a business’s compliance with law. The guidance is subject to the CCPA’s requirements but offers tools for consumers to use to express an opt-out from “sale” preference. All terms in this document, including “collection,” “sale,” “personal information,” “publisher,” “third party,” and “opt-out” are used in conformance with their definitions in the CCPA and its implementing regulations.

<sup>2</sup> DAA’s Web-based CCPA Opt Out Tool will reside at [optout.privacyrights.info](#). The DAA App-based CCPA Opt Out Tool will reside as a dedicated user flow inside the [AppChoices](#) app (available for free download in iOS, Android and Amazon app stores)

## **As an agency, what do I do with the Privacy Rights Icon & Tools?**

The Privacy Rights Icon and CCPA Opt-out Tools are one method that agencies can use to provide explicit notice to facilitate (both for themselves and their clients) the collection of “personal information” through their digital properties by third-party businesses, such as ad networks and analytics companies (e.g., integrated via technologies such as cookies, SDK’s, etc.), through ad campaigns and other data gathering activities they engage in. It also allows agencies to provide consumers with access to their own opt-out tool effective against their “sale” of “personal information” when they collect “personal information” as third parties. In order for third party companies, such as agencies, to “sell” the data collected through a digital property to facilitate the digital advertising ecosystem, consumers must have received “explicit notice” and the opportunity to opt-out of the “sale” of “personal information.” The Privacy Rights Icon, as well as the DAA CCPA Opt-out Tool, are a uniform way to provide this notice and opt-out opportunity through a digital property.

Additionally, agencies can use the Privacy Rights Icon and the DAA’s tools to provide consumers with notice and access to an opt-out tool during campaigns and other places where an agency collects or receives “personal information” that it will “sell.” This notice is provided outside a privacy policy, and provides access to an opt-out tool that can be effective against the agency’s “sale” of “personal information” if the agency integrates into that tool that would signal a browser as opted-out of “sale” wherever the agency encounters that browser, not only when it visits a single publisher’s page.

## **How do the new Privacy Rights Icon and opt-out mechanism differ from the existing AdChoices program?**

The existing AdChoices icon notifies web and app users that certain covered information may be collected and used primarily to tailor advertising on various digital properties. This is most often seen as an AdChoices Icon on digital ads, but also appears on websites and in app settings among other places to connote enhanced transparency to consumers. Exercising an opt out under the AdChoices program causes participating companies to stop collecting, using, and transferring data for online behavioral advertising and other covered purposes, but allows data to be collected and used for certain other purposes.

The Privacy Rights Icon will notify web and app users that “personal information” may be collected through a digital property by third party businesses and “sold” to other businesses. The Privacy Rights Icon also provides access to an opt-out tool applicable to such “sale” by participating companies. Exercising an opt out through the DAA CCPA Opt-out Tool causes participating companies to stop engaging in the “sale” of “personal information” as that term is defined by the CCPA across websites and apps, not only for activity on a single digital property. The DAA CCPA Opt-out Tools provide consumers with a single place to exercise an opt-out for all participating companies across the Internet.

The technology used to effectuate CCPA opt-out signals leverages the technology used by the existing AdChoices program (through WebChoices and AppChoices), but participating companies that receive a DAA CCPA Opt-out signal must apply that signal in compliance with the CCPA's requirements, not those of the DAA Self-Regulatory Principles. Agencies can leverage these tools for their own opt-out purposes. DAA will make a technical specification available to companies interested in implementing the CCPA Opt-out guidance. The CCPA Guidelines are voluntary and are meant to provide companies in the digital advertising ecosystem with an option to help meet their obligations under the CCPA. Independent of any self-regulatory guidelines or other industry-based tools, companies should comply with all legal requirements imposed by the CCPA and other laws.

### **Does the Privacy Rights Icon only work for digital properties that sell ad space?**

The Privacy Rights Icon is intended to provide a consistent means for consumers to understand that collection and "sale" of "personal information" may occur, and provide them with the opportunity to opt-out of that activity. The Privacy Rights Icon will accompany the statutorily mandated language such as "Do Not Sell My Info" or "CA Do Not Sell My Personal Information .

The Privacy Rights Icon and DAA CCPA Opt-out Tools will help any business in the digital advertising ecosystem that collects and "sells" "personal information" comply with the CCPA. This includes cases where a digital property "sells" "personal information" (i) in the process of selling ad space; and (ii) where a third-party business, such as an agency, may collect or receive personal information through the placement of a pixel, cookie, SDK, or similar technology without an ad present on the digital property.

### **How should I use the DAA Privacy Rights Icon and Tools as a First Party?**

When an agency operates as a first party, such as by operating its own website or app, it is acting as a first party. In those instances, it is expected that the CCPA required link and DAA Privacy Rights Icon will be present on the webpage or app, for example "CA Do Not Sell My Info .

When a consumer clicks that link, they should be taken to a notice (via interstitial, landing page, anchor, etc.) that describes your collection and "sale" activity through your digital property (should that occur), as well as the fact that third parties may also engage in the collection and "sale" of "personal information" through your digital property. These disclosures should include access to a mechanism that signals that the browser or device is opting-out of the agency's first party "sale" activity (if they engage in that activity) and/or a link to the DAA's CCPA Opt-out Tool at [www.PrivacyRights.info](http://www.PrivacyRights.info) or directly to [optout.PrivacyRights.info](http://optout.PrivacyRights.info) for Web or [AppChoices](http://AppChoices) to opt-out of the third parties' "sale" of "personal information" that occurs through the digital property.

## **How can consumers opt out of “sales” of “personal information” using the Privacy Rights Icon & Tools?**

After a consumer clicks the Privacy Rights Icon on a digital property, they will be presented with instructions for how to opt out of the “sale” of “personal information.” If the publisher of the digital property “sells” the consumer’s “personal information,” the consumer must be presented with the ability to opt out of “sales” by the publisher through a process of the operator’s determination. If third parties, such as agencies, collect “personal information” on the digital property and “sell” the “personal information” to other entities, the consumer must be presented with access to the DAA CCPA Opt-out Tool to facilitate the consumer’s ability to opt out of “sales” by those participating third-party businesses. If both activities occur on the property, consumers must be presented with the ability to opt-out of both activities.

## **What happens after a consumer opts out of the “sale” of “personal information”?**

If a consumer chooses to opt out of the “sale” of “personal information” by the operator of a website or mobile app, the operator of that digital property has discretion about how to implement and share that opt-out with other participants in the digital advertising ecosystem (e.g., a commercial CMP, passing signals with bid requests, disabling certain collection activity, etc.).

If a consumer chooses to opt out of the “sale” of “personal information” by third-party businesses collecting “personal information” through a digital property, the publisher must provide a means for the consumer to exercise their opt-out with regard to the “sale” of “personal information,” such as access to the DAA CCPA Opt-out Tool website or app that lists all third parties that the digital property works with. These tools will provide a prominent option to opt out of “sales” by all third parties, including participating agencies, collecting personal information on the digital property that are integrated into the DAA CCPA Opt-out Tool, or to select which of those integrated companies to opt out of their “sale” activity across the Internet.

In either case, at a minimum, participants in the digital advertising ecosystem that receive a valid opt-out signal, as determined by the relevant company, from a consumer through the DAA opt-out tool (or from a publisher conveying a consumer’s opt-out to a third party through other means) must cease using that information except for the following, limited non-sale purposes in compliance with the CCPA:

- intellectual property protection;
- compliance, public purpose and consumer safety;
- authentication, verification, fraud prevention and security;
- billing or product or service fulfillment; or
- reporting or delivery.

**Will the DAA Privacy Rights Icon increase transparency for consumers?**

Yes, participation in the DAA program will result in increased transparency for consumers because it leverages existing, well recognized and understood, consumer transparency tools like the DAA AdChoices Icon. This increased transparency will allow consumers to make an informed decision about whether to opt out of the “sale” of “personal information” whether collected by the publisher, advertiser, agency, or other third-party business. Additionally, the DAA opt-out tool provides a centralized place for consumers to use to opt-out of participating company’s “sale” of “personal information” across sites and apps, not only from their activity when collecting through a particular digital property.

**Is the Privacy Rights Icon limited to the web, or can it be used in mobile, OTT, and other media?**

The DAA’s CCPA opt-out tools are intended to work across different kinds of digital media on the web and in-apps. The DAA will continue working to develop tools for implementing its privacy user experience methods for new and emerging platforms.

**How can Publishers signal to third party partners that they provided explicit notice and opt-out choice on a site or app?**

Publishers have a number of options for creating and exposing a programmatic signal communicating the presence of explicit notice on a site or app. It is expected that third party companies will look for these signals.

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