

ON NOTICE

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Engaging Data Forum

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Online Behavioral Advertising (OBA)

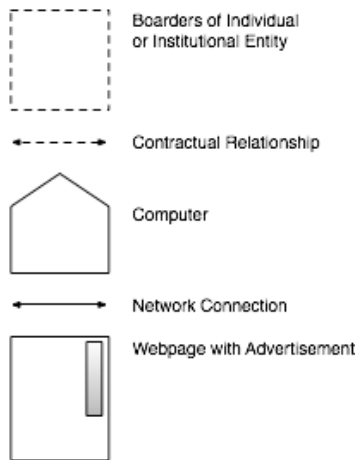
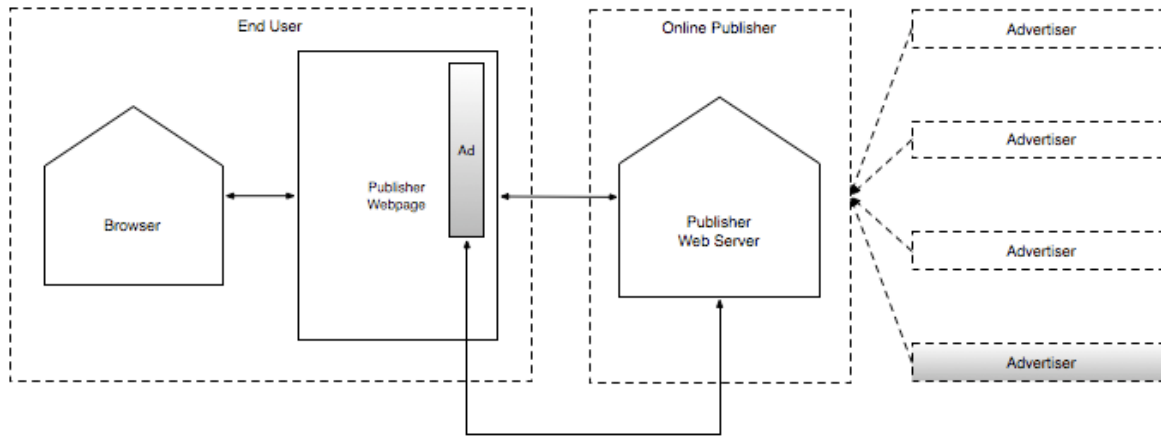
- Online behavioral advertising (OBA) relies on the systematic tracking of users across websites and over time in order to develop user profiles from which to infer interests and preferences. These interests and preferences are then used as the basis upon which to selectively target users with particular ads.
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3 Sets of Principles

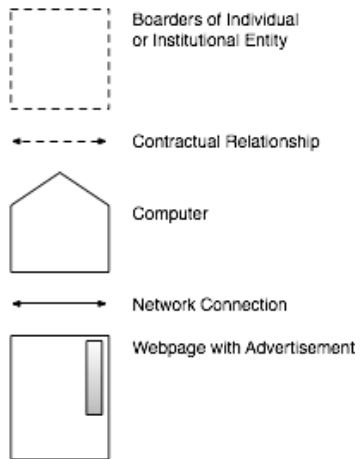
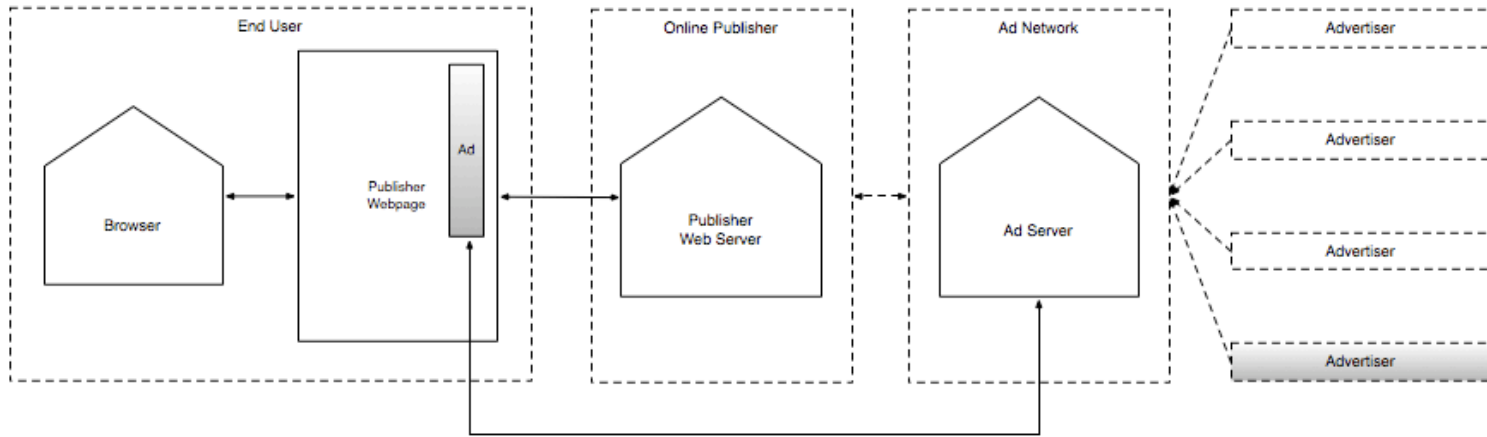
- Federal Trade Commission — February 2009
 - Consortium of Industry Groups — July 2009
 - Consortium of Privacy and Consumer Advocacy Groups — September 2009

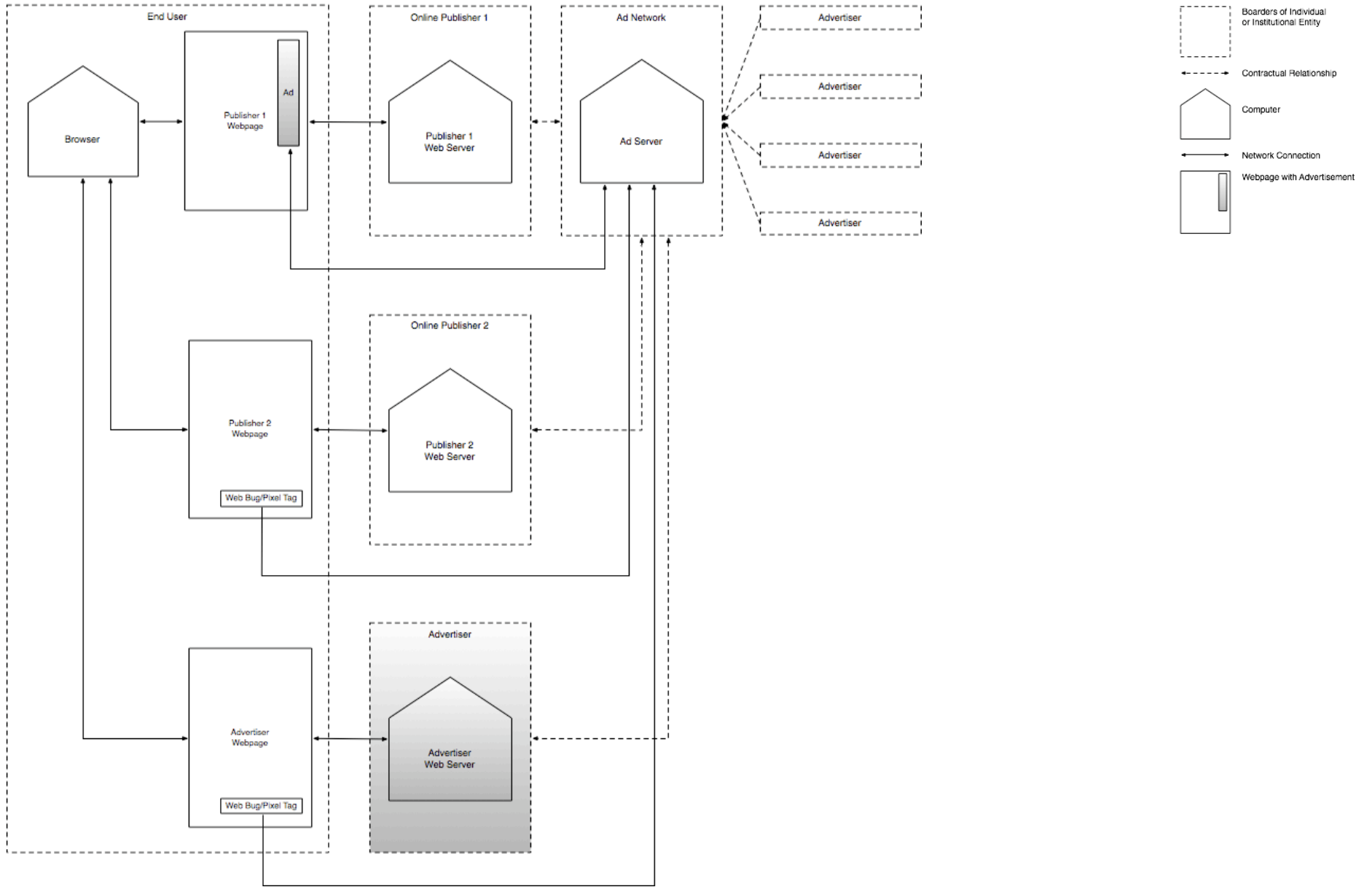
 - Transparency remains a crux across all 3 sets of principles
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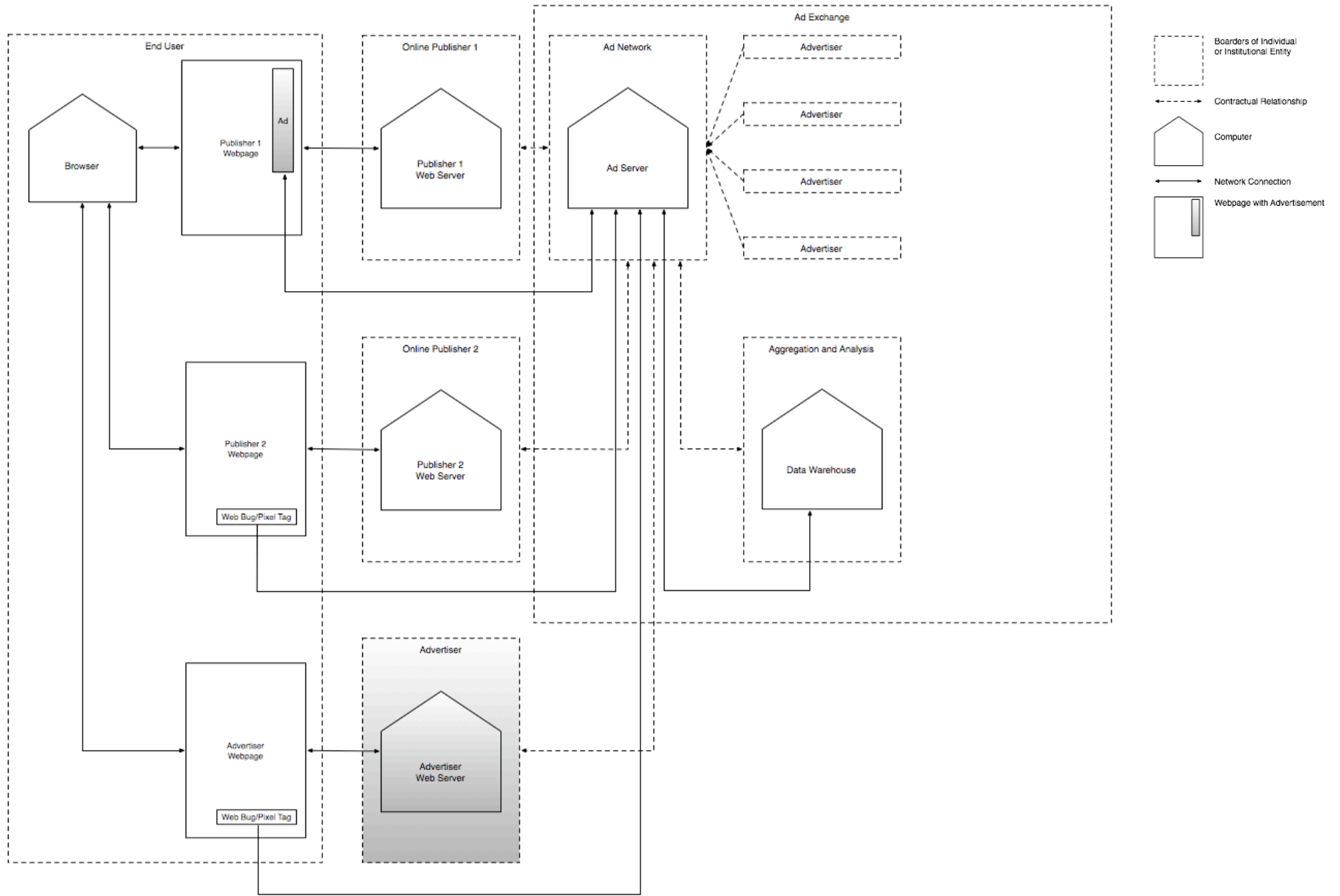
Direct Buy

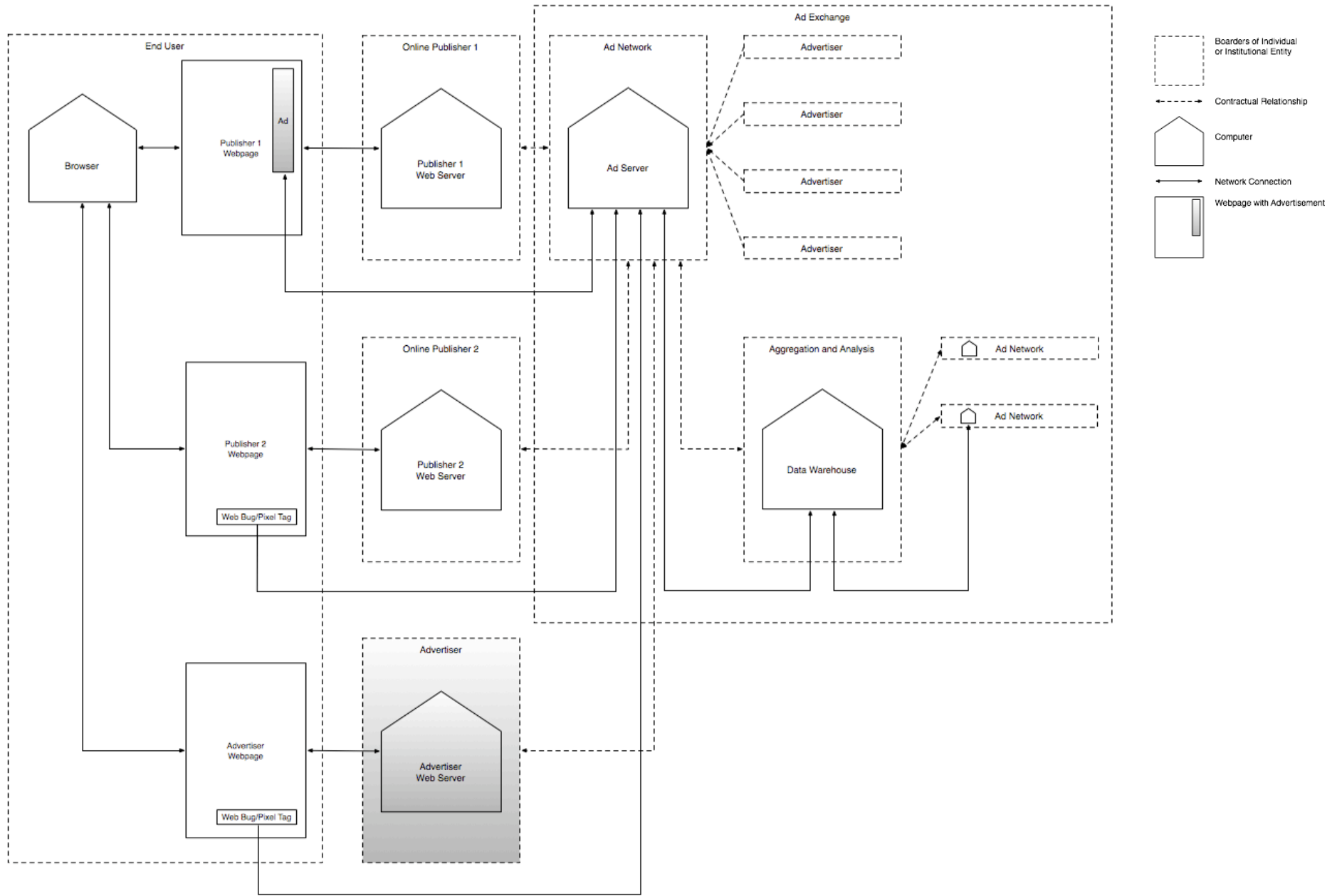


Ad Network









Targeting vs. Tracking

- Targeting
 - The differential presentation of ads selected according to interests or dispositions inferred from online behaviors, as well as any other information that might be brought to bear
 - Tracking
 - The systematic tracking of user behavior across sites and over time to develop records that can be mined to infer user interests and reveal the traits that correlate with increased receptivity to particular advertisements
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Targeting: Justice and Autonomy

- ‘Panoptic sort’ (justice)
 - May compound structural inequalities
 - Reduced autonomy
 - Identity formation
 - Not only might it lock individuals into past habitual choices from which they would like to escape, but it may open them to manipulation and illegitimate control by others
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Tracking: Privacy

- Threats to privacy
 - The systematic monitoring of users across contexts
 - Mitigations
 - Anonymization
 - Notice and consent
 - Opt-in
 - Opt-out
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Complexity

- Complexity and ambiguity
 - Variation in the meaning of opt-out/opt-in
 - Conflicting notice and privacy policies
 - Publisher
 - Contracting ad networks
 - Mutability of notice, privacy policy, and information chain
 - Variation in data collected, aggregated, and passed on
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Usable Privacy?

- This is not a question of ‘privacy salience’ or engineering a notice mechanism that actually gets more notice
 - Comprehensive or meaningful notice might be impossible
 - New companies bloom, novel analytical tools emerge, business relationship begin and end...
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Inherently Uninformed Consent

- And yet...medical consent forms: We agree that complexity constitutes a challenge for achieving meaningful or adequate notice but behavioral targeting is unlike medicine insofar as the terms of behavioral targeting are
 - Fundamentally unknowable: opaque and potentially endless information chain
 - Lack sufficient background context: lacks equivalent set of assumptions, professional commitments and principles, guiding norms, laws, and regulations...
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Contextual Integrity

- We're asking the wrong questions...
 - Changes in information flow
 - The *extended* chain of information flow
 - Insensitivity to context-dependent norms
 - Aggregation *across* contexts
 - The trouble with the current setup of OBA is that ad networks straddle contexts but, so far as we can tell, function in the same way in relation to all websites with which they contract
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