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
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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