Privacy regulation, self-regulation, and enforcement

Lorrie Faith Cranor September 18, 2013

8-533 / 8-733 / 19-608 / 95-818: Privacy Policy, Law, and Technology Carnegie Mellon University CyLab



Engineering & Public Policy

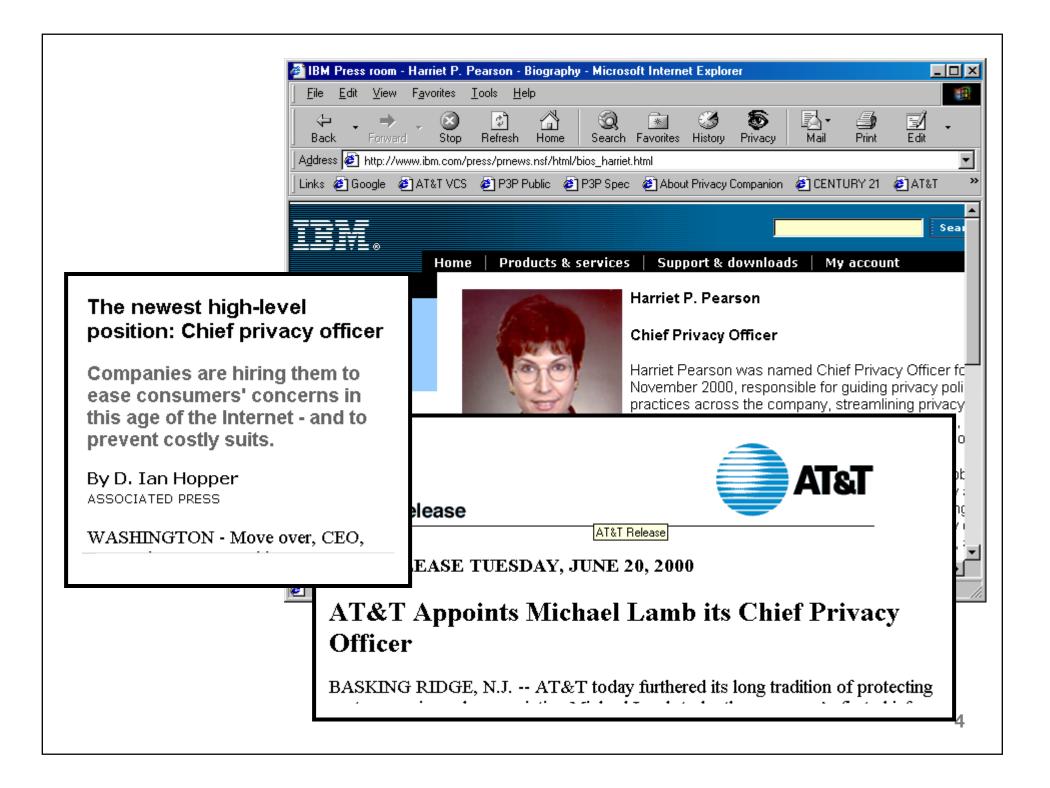


Privacy self-regulation

- Since 1995, the US FTC has pressured companies to "self regulate" in the privacy area
- Self regulation may be completely voluntary or mandatory (or somewhere in between)

Self-regulatory programs and intiatives

- CPOs
- Seals
- Privacy policies
- Standards P3P and DNT
- Industry guidelines
- Voluntary compliance (safe harbor)



Chief privacy officers

- Companies are increasingly appointing CPOs to have a central point of contact for privacy concerns
- Role of CPO varies in each company
 - Draft privacy policy
 - Respond to customer concerns
 - Educate employees about company privacy policy
 - Review new products and services for compliance with privacy policy
 - Develop new initiatives to keep company out front on privacy issue
 - Monitor pending privacy legislation

IAPP

- International Association of Privacy Professionals
- http://www.privacyassociation.org/

Seal programs

TRUSTe – http://www.truste.org



 Japanese Privacy Mark http://privacymark.org/



Seal program problems

- Certify only compliance with stated policy
 - Limited ability to detect non-compliance
- Minimal privacy requirements
- May not address privacy issues that go beyond the web site
- Nonetheless, reporting requirements are forcing licensees to review their own policies and practices and think carefully before introducing policy changes

Privacy policies

- Inform consumers about privacy practices
- Important part of privacy self regulation
- Consumers can decide whether practices are acceptable, when to opt-out
- Existing privacy policies are not an effective way to inform consumers or give them privacy controls

Amazon.com Privacy Notice

Last updated: October 1, 2008. To see what has changed, click here.

Amazon.com knows that you care how information about you is used and shared, and we appreciate your trust that we will do so carefully and sensibly. This notice describes our privacy policy. By visiting Amazon.com, you are accepting the practices described in this Privacy Notice.

- What Personal Information About Customers Does Amazon.com Gather?
- · What About Cookies?
- · Does Amazon.com Share the Information It Receives?
- How Secure Is Information About Me?
- What About Third-Party Advertisers and Links to Other Websites?
- Which Information Can I Access?
- What Choices Do I Have?
- · Are Children Allowed to Use Amazon.com?
- Does Amazon.com Participate in the Safe Harbor Program?
- Conditions of Use, Notices, and Revisions
- · Examples of Information Collected

What Personal Information About Customers Does Amazon.com Gather?

The information we learn from customers helps us personalize and continually improve your shopping experience at Amazon.com. Here are the types of information we gather.

- . Information You Give Us: We receive and store any information you enter on our Web site or give us in any other way. Click here to see examples of what we collect. You can choose not to provide certain information, but then you might not be able to take advantage of many of our features. We use the information that you provide for such purposes as responding to your requests, customizing future shopping for you, improving our stores, and communicating with you.
- Automatic Information: We receive and store certain types of information whenever you interact with us. For example, like many Web sites, we use "cookies," and we obtain certain types of information when your Web browser accesses Amazon.com or advertisements and other content served by or on behalf of Amazon.com on other Web sites. Click here to see examples of the information we receive.
- E-mail Communications: To help us make e-mails more useful and interesting, we often receive a confirmation when you open e-mail from Amazon.com if your computer

- companies, in an effort to avoid sending ail from us, please adjust your Custome
- Communication Preferences.

 Information from Other Sources: We might eive information about you from other sources and add it to our account information.

 <u>Click here</u> to see examples of the information

What About Cookies?

- Cookies are alphanumeric identifiers that we transfer to your computer's hard drive through your Web browser to enable ou
- have the browser notify you when you receive a new cookle, or how to disable cookles delete similar data used by browser add-ons such as Flash cookies, by changing the add-on's settings or visiting the Web site of its allow you to take advantage of some of Amazon.com's essential features, we recommend that you leave them turned on. For instance, if you block or otherwise reject our cookies, you will not be able to add items to your Shopping Cart, proceed to Checkout, or use any Amazon.com products and services that require you to Sign in.

Does Amazon.com Share the Information It Receives?

Information about our customers is an important part of our business, and we are not in the business information only as described below and with subsidiaries Amazon.com. Inc. controls that either are subject to this Privacy Notice or follow practices at least as protective as those described in this

- Affiliated Businesses We Do Not Control some cases, such as Marketplace sellers, Amazon.com. In other cases, we operate stores, provide services, or sell product lines jointly with these businesses. Click here for some examples of co-branded and joint offerings. You can tell when a third party is
- data, providing marketing assistance, providing search results and links (including paid listings and links), processing credit card payments, and providing customer service.
 They have access to personal information
 needed to perform their functions, but may
- not use it for other purposes.

 Promotional Offers: Sometimes we send offers to selected groups of Amazon.com customers on behalf of other businesses. When we do this, we do not give that business your name and address. If you do not want to receive such offers, please adjust
- not want to receive such offers, please adjust your Custamer, Cammunication Preferences.

 Business Transfers: As we continue to develop our business, we might sell or buy stores, subsidiaries, or business units. In aud transactions, customer information generally is one of the transferred business assets but remains subject to the promises made in any pre-existing Privacy Notice (unless, of zourse the customer connects otherwise). Also, in the unlikely event that Amazon.com, Inc., or substantially all of its assets are acou ustomer information will of course be one of
- · Protection of Amazon.com and Others: We information when we believe release is appropriate to comply with the law; enforce r apply our Conditions of Use and other ents; or protect the rights, property, others. This includes exchanging informat
- With Your Consent: Other than as set out. thoose not to share the information.

How Secure Is Information About Me?

. We work to protect the security of your information during transmission by using Secure Sockets Layer (SSL) software, which above, you will receive notice when information about you might go to third parties, and you will have an opportunity to choose not to share the information.

How Secure Is Information About Me?

- . We work to protect the security of your information during transmission by using Secure Sockets Layer (SSL) software, which

What About Third-Party Advertisers and Links to Other Websites?

Our site includes third-party advertising and links to identifiable customer information to these more information about our Advertising Policies and

These third-party Web sites and advertisers, or Internet advertising companies working on their behalf, sometimes use technology to send (or "serve") the advertisements that appear on our Web site directly to your browser. They automatically receive your IP address when this happens. They may also use cookies. JavaScript. web beacons (also known as action tags or single pixel gifs), and other technologies to measure the advertising content. We do not have access to or may use, and the information practices of these advertisers and third-party Web sites are not covered by this Privacy Notice. Please contact them directly for more information about their privacy practices. In addition, the Network Advertising Initiative offers useful information about Internet advertising companies (also called "ad networks" or "network advertisers"), including information about how to opt-out of their information collection.

advertising based on personal information about mers, such as purchases on Amazon.com visits to Amazon Associate Web sites, or use of other Web sites. Click here for more information Although Amazon.com does not provide any (including ad-serving companies) may assume that users who interact with or click on a personalized advertisement meet their criteria to personalize the ad (for example, users in the northwestern United States who bought or browsed for classical music) If you do not want us to use personal information that we gather to allow third parties to personalize advertisements we display to you, please adjust your Advertising Preferences

Which Information Can I Access? Amazon.com gives you access to a broad range of

interactions with Amazon.com for the limited that information. Click here to see some examples, the list of which will change as our Web site

- As discussed above, you can always choose might be needed to make a purchase or take advantage of such Amazon.com features as Your Profile, Wish Lists, Customer
- You can add or update certain information or pages such as those referenced in the "Which Information Can I Access?" section. When yo update information, we usually keep a copy of
- manusciation Endersones. (It yes so-ments to receive Conditions all Lips and other legal notices from us, such as this Privacy hotice, these notices will still power year us of Amazon.com, and it is your responsibility to review them for changes.)

 If you do not want us to use personal information have agather to allow third parties to personalize advertisements we
- display to you, please adjust your Advertising
- The Help portion of the toolbar on most browsers will tell you how to prevent your have the browser notify you when you receive a new cookie, or how to disable cookies altogether. Additionally, you can disable or delete similar data used by browser add-ons, such as Flash cookies, by changing the add-on's settings or visiting the Web site of its manufacturer. However, because cookles allow you to take advantage of some of Amazon.com's essential features, we recommend that you leave them turned i

Are Children Allowed to Use Amazon.com?

children. We sell children's products for purchase by Amazon.com only with the involvement of a parent

Does Amazon.com Participate in the Safe Harbor Program?

Amazon.com is a participant in the Safe Hari program developed by the U.S. Department of Commerce and the European Union. We have certified that we adhere to the Safe Harbor Privacy more information about the Safe Harbor and to Commerce's Safe Harbor Web site, If you would Harbor program, please send an e-mail to

Conditions of Use, Notices, and Revisions

If you choose to visit Amazon.com, your visit and any dispute over privacy is subject to this Notice and our Conditions of Use, including limitations on amages, resolution of disputes, and application of the law of the state of Washington. If you have any oncern about privacy at Amazon.com, please contact us with a thorough description, and we will try to resolve it. Our business changes constantly and our Privacy Notice and the Conditions of Use will change also. We may e-mail periodic reminders of our notices and conditions, unless you have instructed us not to, but you should check our Web site frequently to see recent changes. Unless stated otherwise, our current Privacy Notice applies to all account. We stand behind the promises we make, policies and practices to make them less protective of customer information collected in the past without the consent of affected customers.

Related Practices and Informatio

- Your Profile and Community Guidelines

Examples of Information Collected

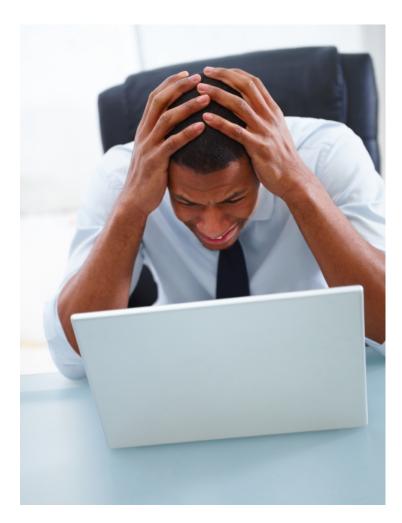
Information You Give Us

search, buy, bid, post, participate in a contest or service. For example, you provide information when Amazon.com or one of our third-party sellers: have more than one if you have used more than Profile; communicate with us by phone, e-mail, or otherwise; complete a questionnaire or a contest entry form; compile Wish Lists or other gift registries: provide employer information when opening a corporate account; participate in Discussion Boards or other community features: provide and rate Reviews; specify a Special Occasion Reminder; share information with Amazo Services, such as Available to Order Notifications with such information as your name, address, and whom purchases have been shipped, including addresses and phone number; people (with addresses and phone numbers) listed in 1-Click settings: e-mail addresses of Amazon Friends and other people; content of reviews and e-mails to us; personal description and photograph in Your Profile and financial information, including Social Security and driver's license numbers

Examples of the information we collect and analyze include the Internet protocol (IP) address used to connect your computer to the Internet; login; einformation such as browser type, version, and versions, operating system, and platform; purchase information from other customers to create features such as Purchase Circles and Top Sellers; the full Uniform Resource Locator (URL) clickstream to through and from our Web site including date and time; cookie number; products you viewed or searched for: and the phone number you used to call our 800 number. We may also use browser data such as cookies, Flash cookies (also known as Flash Local Shared Objects), or similar data on certain parts of our Web site for fraud prevention and other purposes. During some visits we may use software tools such as JavaScript to measure and

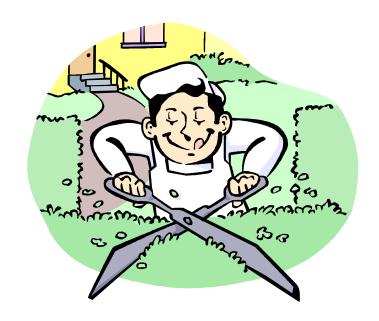
What's wrong with privacy policies?

- Long
- Require college-level reading skills
- Include legalese and obfuscated language
- Difficult to compare
- May change at any time without notice



Typical policies have > 20 hedging claims

- may
- might
- perhaps
- in/at our discretion
- except as
- on a limited basis
- we reserve the right to
- including but not limited to



 Pollach, I. 2007. What's wrong with online privacy policies?. Commun. ACM 50, 9 (Sep. 2007), 103-108.
 DOI= http://doi.acm.org/10.1145/1284621.1284627 "Nonetheless, except as separately permitted by other provisions of this Privacy Policy, these companies are allowed to gather, receive, and use your information only for the purposes described in this paragraph or to facilitate compliance with laws."

Privacy policy components

- Identification of site, scope, contact info
- Types of information collected
 - Including information about cookies
- How information is used
- Conditions under which information might be shared
- Information about opt-in/optout
- Information about access

- Information about data retention policies
- Information about seal programs
- Security assurances
- Children's privacy

There is lots of information to convey -- but policy should be brief and easy-to-read too!

Short Notices

- Project organized by Hunton & Williams law firm around 2002
 - Create short version (short notice) of a privacy notice
 - Sometimes called a "layered notice" as short version would advise people to refer to long notice for more detail
 - Now being called "highlights notice"
 - Focus on reducing privacy policy to at most 7 boxes
 - Standardized format but only limited standardization of language
- Alternative proposals from privacy advocates focus on check boxes
- Interest Internationally
 - http://www.privacyconference2003.org/resolution.asp

© 2002 Center for Information Policy Leadership

Privacy Notice Highlights Template

Dated: May 28, 2002

Acme Company Privacy Notice

This statement applies to Acme Company and several members of the Acme family of companies.

We collect information directly from you and maintain information on your activity with us, including your visits to our website.

We obtain information, such as your credit report and demographic and lifestyle information, from other information providers.

We use information about you to manage your account and offer you other products and services we think may interest you.

We share information about you with other companies, like insurance companies, to offer you a wider array of jointly-offered products and services.

HOW TO REACH US

We share information about you with other companies so they can offer you their products and services.

We share information about you with our sister companies to offer you products and services.

You may opt out of receiving promotional information from us and our sharing your contact information with other companies. To exercise your choices, call (800) 123-1234 or click on "choice" at ACME.com.

You may request information on your billing and payment activities.

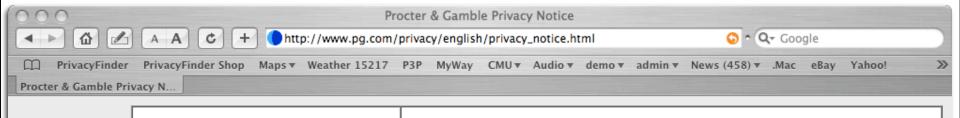
policy, write to: Consumer Department

Acme Company 11 Main Street Anywhere, NY 10100

Or go to the privacy statement on our website at acme com

For more information about our privacy

NY142510v1 5/28/2002





P&G Privacy Notice

Scope

This statement applies to websites operated by or on behalf of The Procter & Gamble Company and its affiliated companies and subsidiaries (P&G).

Personal Information

Click here for more information

- We collect information you choose to provide such as your email or postal address.
- We collect non-personal information such as browser type, operating system, and web pages visited to help manage our websites.
- We use cookies and other internet technologies to manage our website and e-mail programs. We do not use these technologies to collect or store personal information.
- We may obtain additional information about you, such as demographic information, from commercially available sources.

Uses

Click here for more information

- We use personal information to provide you information and samples you request, to give you a customized interactive experience, and to help us develop new products and services that meet your needs.
- We do not share your personal information with other marketers unless we have asked for and obtained your explicit consent. If you do not provide your consent, we will not share your information.
- . We use personal information you provide only for purposes consistent with the reason you provided it.
- When we temporarily provide personal information to companies who perform services for us, such as to send you email or samples, we require those companies to protect the information in the same manner as P&G. These service companies cannot use your personal information for any other purpose than the reason you provided it to P&G.

Your Rights & Choices

Click here for more information

- You have the right to have a copy of the personal information you provide, and to correct or update your personal information.
- You may instruct P&G to remove you from our programs you have subscribed to by using the unsubscribe link provided in our email programs, or using the link provided below
- You may instruct P&G to remove any previous consent you provided to share your personal information with other companies.
- <u>Click here</u> to select your country and be linked to the correct address to use to: obtain a copy of the personal information you provided, be removed from our programs, or remove your consent for information sharing.

Important Information

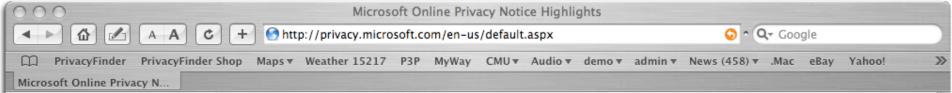
- P&G is committed to working with consumers to obtain a fair resolution of any complaint or concern about privacy.
- P&G complies with country data protection laws.
- We cooperate with country data protection authorities if they believe a privacy problem has occurred.
- Our U.S. websites are privacy certified by the U.S.Better Business Bureau OnLine OnLine® Privacy Seal.

How to Contact Us

 To contact us with a question <u>click here</u> (for country specific addresses)

> Or write to us at: P&G Privacy Team 2 P&G Plaza Cincinnati, OH 45202 U.S.A.

- To read our full Online Privacy Statement click here:
- To read our Global Privacy Policy <u>click</u> <u>here</u>



Microsoft Online Privacy Notice Highlights

(last updated January 2006)



Scope

This notice provides highlights of the full <u>Microsoft Online Privacy Statement</u>. This notice and the full privacy statement apply to those Microsoft websites and services that display or link to this notice.

Personal Information

Additional Details

Your Choices

Iditional Detai

- When you register for certain Microsoft services, we will ask you to provide personal information.
- The information we collect may be combined with information obtained from other Microsoft services and other companies.
- We use cookies and other technologies to keep track of your interactions with our sites and services to offer a personalized experience.
- You can stop the delivery of promotional e-mail from a Microsoft site or service by following the instructions in the e-mail you receive.
- To make proactive choices about how we communicate with you, follow the instructions listed in the <u>Communication Preferences</u> of the full privacy statement
- To view and edit your personal information, go to the <u>access section</u> of the full privacy statement.

Uses of Information

Additional Det

- We use the information we collect to provide the services you request. Our services may include the display of personalized content and advertising.
- We use your information to inform you of other products or services offered by Microsoft and its affiliates, and to send you relevant survey invitations related to Microsoft services.
- We do not sell, rent, or lease our customer lists to third parties. In order to help provide our services, we occasionally provide information to other companies that work on our behalf.

Important Information

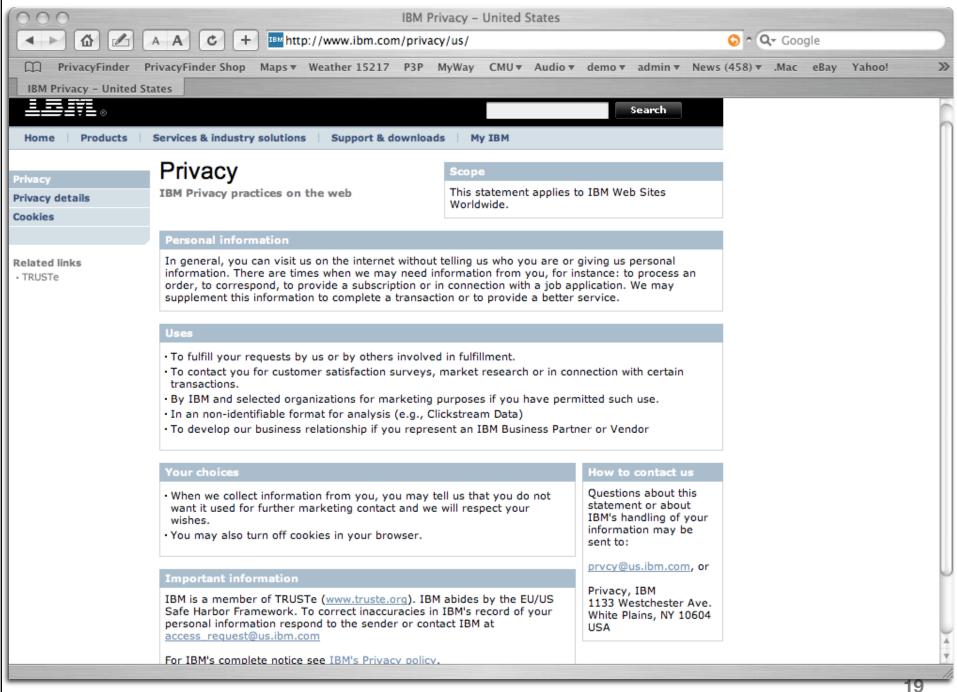
- The full <u>Microsoft Online Privacy Statement</u> contains links to supplementary information about specific Microsoft sites or services.
- The sign in credentials (e-mail address and password) used to sign in to most Microsoft sites and services are part of the Microsoft Passport Network.
- For more information on how to help protect your personal computer, your personal information and your family online, visit our online safety resources.

How to Contact Us

For more information about our privacy practices, go to the full <u>Microsoft Online Privacy Statement</u>. Or write us using our <u>Web form</u>.

Microsoft is a TRUSTe licensee and you may <u>contact TRUSTe</u> if a privacy question is not properly addressed.

Microsoft Privacy Microsoft Cornoration



Checkbox proposal

WE SHARE [DO NOT SHARE] PERSONAL INFORMATION WITH OTHER WEBSITES OR COMPANIES.				
Collection: We collect personal information directly from you We collect information about you from other sources: We use cookies on our website We use web bugs or other invisible collection methods		NO ☑ □		
We install monitoring programs on your computer			\checkmark	
Uses: We use information about you to: Consent Consent Send you advertising mail	With		Withou	ut Your
Send you electronic mail Call you on the telephone ✓				
Sharing: We allow others to use your information to: Consent		With You	ur	Without Your
Maintain shared databases about you			\checkmark	
Send you advertising mail				
Send you electronic mail				
Call you on the telephone N/A		N/A		
Access: You can see and correct {ALL, SOME, NONE} of the information we have about you.				
Choices: You can opt-out of receiving from Advertising mail Electronic mail Telemarketing ✓	Affilia □ ☑ N/A	ates	Third Parties	
Retention: We keep your personal data for: {Six Months Three Years Forever}				
Change: We can change our data use policy {AT ANY TIME, WITH NOTICE TO YOU, ONLY FOR DATA COLLECTED IN THE FUTURE}				

Source: Robert Gellman, July 3, 2003 20

Industry privacy guidelines

- Direct Marketing Association Privacy Promise http://www.dmaconsumers.org/privacy.html
- Network Advertising Initiative Principles http://www.networkadvertising.org/
- DAA Self-Regulatory Principles http://www.aboutads.info/principles
- CTIA Location-based privacy guidelines
 http://www.ctia.org/business_resources/wic/index.cfm/AID/11300
- GSMA Mobile Privacy Principles
 http://www.gsma.com/publicpolicy/mobile-and-privacy/mobile-privacy-principles

Homework 2 discussion

- 2. [40 points] Pick a technology that causes privacy concerns.
- a) Describe the privacy concerns, citing relevant sources.
- b) Prepare a table similar to Table 1 in the *I Didn't Buy it for Myself* paper that lists privacy risks, possible consequences, and examples of parties to whom personal information might be exposed for the technology you picked.
- c) Prepare a table similar to Table 2 in the *I Didn't Buy it for Myself* paper that demonstrates how the OECD privacy principles might be applied to reducing the privacy risks associated with the technology you picked.
- 3. [20 points] Find a reference to privacy in art, literature, advertising, or pop-culture (tv, movie, cartoon, etc.).



Carnegie Mellon UniversityCyLab



Engineering & Public Policy