Privacy regulation and self-regulation

Rebecca Balebako
Lorrie Faith Cranor
September 24, 2015

8-533 / 8-733 / 19-608 / 95-818:
Privacy Policy, Law, and Technology
By the end of class, you will be able to

• List ways companies in the US have self-regulated privacy protection

• Describe pros and cons of privacy policies
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 initiatives

• CPOs
• Seals
• Privacy policies
• Standards – P3P and DNT
• Multi-stakeholder agreements (NTIA)
• Industry guidelines
• Voluntary compliance (safe harbor)
Authorities and Responsibilities of the Chief Privacy Officer

The activities of the Privacy Office serve to build privacy into departmental programs. The following is a framework of privacy laws through which the Privacy Office accomplishes its activities and mission:

- Privacy Act of 1974, as amended (5 U.S.C. § 552a): Embodies a code of fair information principles that governs the collection, maintenance, use, and dissemination of personally identifiable information by federal agencies;
- E-government Act of 2002 (Public Law 107-347): Mandates Privacy Impact Assessments (PIAs) for all Federal agencies when there are new collections of, or new technologies applied to, personally identifiable information;

Why your company needs a chief privacy officer
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
Some States have CPOs

• Arizona, Ohio, West Virginia, South Carolina
• Others may have CIO/CISO with privacy responsibilities
• State budgets may be a limiting factor
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
Seal programs

• TRUSTe – http://www.truste.org
• Japanese Privacy Mark
• Trust Guard
Standards

• Several standards-setting bodies
  – W3C
  – ISO (cloud privacy)
  – NIST (Guide to Protecting the Confidentiality of Personally Identifiable Information (PII))
Multi-stakeholder agreements

• National Telecommunication and Information Administration tasked with holding privacy multi-stakeholder agreements
  – Mobile App Transparency
  – Facial Recognition
  – Unmanned Aircraft
FTC Privacy Framework (2012)

- Privacy by Design
  - incorporate substantive privacy protections
  - maintain comprehensive data management procedures
- Simplified Consumer Choice
  - Companies should simplify consumer choice.
- Transparency
  - Privacy notices
  - Access
  - Consumer Education
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 responsibly. 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 the information 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 does not automatically do so. To stop receiving these e-mail confirmations, please follow the directions in the e-mail itself.

About Our Advertisers: Our advertisers, advertising networks, and other third parties that place ads on our site may collect information about your visits to our Web site, including the pages you visit and the links you click. Other companies, including business partners as described elsewhere in this Privacy Notice, may use non-personally identifiable information (such as cookies) to track the pages you visit within our site. For more information about how to opt out of these tracking technologies, please see "About Our Advertisers" below.

About Amazon Associates: Amazon Associates is a program of companies that sell products on Amazon.com who earn a fee by referring customers to Amazon.com. If you click on an Amazon Associates link to Amazon.com and buy a product, the referring Amazon Associates company will earn a commission.

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 responsibly. 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 the information 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 does not automatically do so. To stop receiving these e-mail confirmations, please follow the directions in the e-mail itself.

About Our Advertisers: Our advertisers, advertising networks, and other third parties that place ads on our site may collect information about your visits to our Web site, including the pages you visit and the links you click. Other companies, including business partners as described elsewhere in this Privacy Notice, may use non-personally identifiable information (such as cookies) to track the pages you visit within our site. For more information about how to opt out of these tracking technologies, please see "About Our Advertisers" below.

About Amazon Associates: Amazon Associates is a program of companies that sell products on Amazon.com who earn a fee by referring customers to Amazon.com. If you click on an Amazon Associates link to Amazon.com and buy a product, the referring Amazon Associates company will earn a commission.

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 responsibly. 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 the information 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 does not automatically do so. To stop receiving these e-mail confirmations, please follow the directions in the e-mail itself.

About Our Advertisers: Our advertisers, advertising networks, and other third parties that place ads on our site may collect information about your visits to our Web site, including the pages you visit and the links you click. Other companies, including business partners as described elsewhere in this Privacy Notice, may use non-personally identifiable information (such as cookies) to track the pages you visit within our site. For more information about how to opt out of these tracking technologies, please see "About Our Advertisers" below.

About Amazon Associates: Amazon Associates is a program of companies that sell products on Amazon.com who earn a fee by referring customers to Amazon.com. If you click on an Amazon Associates link to Amazon.com and buy a product, the referring Amazon Associates company will earn a commission.

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 responsibly. 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 the information 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 does not automatically do so. To stop receiving these e-mail confirmations, please follow the directions in the e-mail itself.

About Our Advertisers: Our advertisers, advertising networks, and other third parties that place ads on our site may collect information about your visits to our Web site, including the pages you visit and the links you click. Other companies, including business partners as described elsewhere in this Privacy Notice, may use non-personally identifiable information (such as cookies) to track the pages you visit within our site. For more information about how to opt out of these tracking technologies, please see "About Our Advertisers" below.

About Amazon Associates: Amazon Associates is a program of companies that sell products on Amazon.com who earn a fee by referring customers to Amazon.com. If you click on an Amazon Associates link to Amazon.com and buy a product, the referring Amazon Associates company will earn a commission.
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

“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/opt-out
- 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 focused on check boxes
**P&G Privacy Notice**

**Scope**
P&G’s Global Consumer Privacy Policy applies to consumer information, including personal information, collected and used by The Procter & Gamble Company and its affiliated companies and subsidiaries (“P&G”).

To read P&G’s full Global Consumer Privacy Policy click here.

**Information P&G Collects**
- P&G collects information about you from a variety of sources, including:
  - Information we collect from you directly.
  - Information we collect about you when you call us, visit our sites, use our mobile applications or services, or view our online advertisements.
  - Information we collect about you from other sources, such as commercially available sources.
- All the information P&G collects about you may be combined to improve our communications with you, and to develop world-class products and services.

**Uses / Information Sharing**
- P&G uses the information we collect for P&G business purposes such as:
  - To provide the products and services you request.
  - To tell you about P&G products and services and those offered by our carefully selected business partners.
  - To manage our sites and services.
- We do not sell your personal information to marketing companies outside of P&G.
- We may share your information:
  - With our carefully selected business partners for co-promotions or other joint programs, but only if we have obtained your consent.
  - With our third-party service providers who perform P&G business operations on our behalf.
  - With our third-party service providers who work on behalf of P&G and our business partners to send you joint communications that we hope you find of interest.
  - As part of a sale of a P&G brand to another company.
  - To protect and defend P&G (including enforcing our Terms and Conditions).
  - When required by law and/or government authorities.
- If you do not wish to provide your personal information to us, we may not be able to provide the products and services you request, or to tell you about other products and services offered by P&G.

**Important Information**
- P&G is committed to working with consumers and data protection authorities to resolve any privacy concern.
- P&G complies with country data protection laws.
- P&G self-certifies compliance with the U.S.-EU Safe Harbor Program.

**Links to Third-Party Sites and Social Media**
- P&G sites may include links to third party sites. P&G does not control these third party sites, and we encourage you to read the privacy policy of every site you visit.
- P&G sites may also have “plugins” (such as the Facebook “Like” button) to third-party sites or offer login (such as log in with Facebook) through a third-party account. Third-party plugins and login features, including their loading, operation and use, are governed by the privacy policy and terms of the third-party providing them.

**Your Choices**
- You can stop receiving promotional email or postal communications from P&G by following the instructions in those messages, or through this Privacy Notice. Please click here to select your country and learn how to unsubscribe.
- Click here to select your country and learn how to access and update information you provide to P&G.

**How to Contact Us**
- Click here (for country specific email and/or postal addresses).
- Click here to view answers to Frequently Asked Questions.
Microsoft Privacy Statement

Your privacy is important to us. This privacy statement explains what personal data we collect from you and how we use it. It applies to Bing, Cortana, MSN, Office, OneDrive, Outlook.com, Skype, Windows, Xbox and other Microsoft services that display this statement. References to Microsoft services in this statement include Microsoft websites, apps, software and devices.

We encourage you to read the summaries below and to click on “Learn More” if you'd like more information on a particular topic. The Service-Specific Details below provide additional information relevant to particular Microsoft services.

Personal Data We Collect

Microsoft collects data to operate effectively and provide you the best experiences with our services. You provide some of this data directly, such as when you create a Microsoft account, submit a search query to Bing, speak a voice command to Cortana, upload a document to OneDrive, or contact us for support. We get some of it by recording how you interact with our services by, for example, using technologies like cookies, and receiving error reports or usage data from software running on your device. We also obtain data from third parties (including other companies).

How We Use Personal Data

Microsoft uses the data we collect to provide you the services we offer, which includes using data to improve and personalize your experiences. We also may use the data to communicate with you, for example, informing you about your account, security updates and product information. And we use data to help make the ads we
Welcome to the Google Privacy Policy

When you use Google services, you trust us with your information. This Privacy Policy is meant to help you understand what data we collect, why we collect it, and what we do with it. This is important; we hope you will take time to read it carefully. And remember, you can find controls to manage your information and protect your privacy and security at My Account.

Privacy Policy

Last modified: August 19, 2015 (view archived versions)

There are many different ways you can use our services – to search for and share information, to communicate with other people or to create new content. When you share information with us, for example by creating a Google Account, we can make those services even better – to show you more relevant search results and ads, to help you connect with people or to make sharing with others quicker and easier. As you use our services, we want you to be clear how we're using information and the ways in which you can protect your privacy.

Our Privacy Policy explains:

- What information we collect and why we collect it.
- How we use that information.
Example shorter notice

• [Gr-C-P-Bliley Act](https://example.com)
NTIA mobile app transparency
Privacy Statement

Updated: July 17, 2014

At the International Association of Privacy Professionals, we know you care about your personal privacy and about the terms and conditions that govern your use of this Web site (this "Site"). Because we are dedicated to serving your needs and respecting your preferences, we have adopted the policies and practices described in this Privacy Statement and Conditions of Use.

Our Collection and Use of Your Personally Identifiable Information

In general, we collect and use information about you for membership administration, to deliver member benefits (e.g., our newsletter) and to inform you of IAPP-related conferences, benefits and/or other opportunities. Except as described herein, we do not sell, rent or otherwise share or disclose your private, personally identifiable information to third parties.
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

- GSMA Mobile Privacy Principles
### Acme Company Privacy Notice

---

#### PERSONAL INFORMATION
- 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.

---

#### USES
- 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 our sister companies to offer you products and services.
- We share information about you with other companies, like insurance companies, to offer you a wider array of jointly-offered products and services.
- We share information about you with other companies so they can offer you their products and services.

---

#### YOUR CHOICES
- 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.

---

#### HOW TO REACH US
- For more information about our privacy 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.

---

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

IBM Privacy practices on the web

Scope

This statement applies to IBM Web Sites Worldwide.

Personal information

In general, you can visit us on the internet without telling us who you are or giving us personal information. There are times when we may need information from you, for instance: to process an order, to correspond, to provide a subscription or in connection with a job application. We may supplement this information to complete a transaction or to provide a better service.

Uses

• To fulfill your requests by us or by others involved in fulfillment.
• To contact you for customer satisfaction surveys, market research or in connection with certain transactions.
• By IBM and selected organizations for marketing purposes if you have permitted such use.
• In an non-identifiable format for analysis (e.g., Clickstream Data)
• To develop our business relationship if you represent an IBM Business Partner or Vendor

Your choices

• When we collect information from you, you may tell us that you do not want it used for further marketing contact and we will respect your wishes.
• You may also turn off cookies in your browser.

Important information

IBM is a member of TRUSTe (www.truste.org). IBM abides by the EU/US Safe Harbor Framework. To correct inaccuracies in IBM's record of your personal information respond to the sender or contact IBM at access_request@us.ibm.com

For IBM's complete notice see IBM's Privacy policy.

How to contact us

Questions about this statement or about IBM's handling of your information may be sent to:

prvcy@us.ibm.com, or

Privacy, IBM
1133 Westchester Ave.
White Plains, NY 10604
USA
**Checkbox proposal**

WE SHARE [DO NOT SHARE] PERSONAL INFORMATION WITH OTHER WEBSITES OR COMPANIES.

<table>
<thead>
<tr>
<th>Collection:</th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>We collect personal information directly from you</td>
<td>☑</td>
<td></td>
</tr>
<tr>
<td>We collect information about you from other sources:</td>
<td>☑</td>
<td></td>
</tr>
<tr>
<td>We use cookies on our website</td>
<td>☑</td>
<td></td>
</tr>
<tr>
<td>We use web bugs or other invisible collection methods</td>
<td></td>
<td>☑</td>
</tr>
<tr>
<td>We install monitoring programs on your computer</td>
<td></td>
<td>☑</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Uses: We use information about you to:</th>
<th>With Your</th>
<th>Without Your</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consent</td>
<td>Consent</td>
<td>Consent</td>
</tr>
<tr>
<td>Send you advertising mail</td>
<td></td>
<td>☑</td>
</tr>
<tr>
<td>Send you electronic mail</td>
<td></td>
<td>☑</td>
</tr>
<tr>
<td>Call you on the telephone</td>
<td>☑</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Sharing: We allow others to use your information to:</th>
<th>With Your</th>
<th>Without Your</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consent</td>
<td>Consent</td>
<td>Consent</td>
</tr>
<tr>
<td>Maintain shared databases about you</td>
<td></td>
<td>☑</td>
</tr>
<tr>
<td>Send you advertising mail</td>
<td>☑</td>
<td></td>
</tr>
<tr>
<td>Send you electronic mail</td>
<td>☑</td>
<td></td>
</tr>
<tr>
<td>Call you on the telephone</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

Access: You can see and correct {ALL, SOME, NONE} of the information we have about you.

<table>
<thead>
<tr>
<th>Choices: You can opt-out of receiving from</th>
<th>Us</th>
<th>Affiliates</th>
<th>Third Parties</th>
</tr>
</thead>
<tbody>
<tr>
<td>Advertising mail</td>
<td>☑</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Electronic mail</td>
<td></td>
<td>☑</td>
<td>☑</td>
</tr>
<tr>
<td>Telemarketing</td>
<td>☑</td>
<td></td>
<td>N/A</td>
</tr>
</tbody>
</table>

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
IAPP

- International Association of Privacy Professionals
- [http://www.privacyassociation.org/](http://www.privacyassociation.org/)