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NAI Self-Regulatory Principles for
Online Preference Marketing

The Network Advertising Initiative (NAI) is a cooperative group of network advertisers – Adforce, Avenue A (AVEA), DoubleClick (DCLK), Engage (ENGA), L90 (LNTY), MatchLogic (ATHM), and 24/7 Media (TFSM) – who have banded together to give consumers the choice to “opt-out” of targeted advertising delivered by each and every NAI ad network.

The NAI has worked with the Federal Trade Commission and the U.S. Department of Commerce to develop a self-regulatory regime governing NAI companies and the practice of Online Preference Marketing (OPM), which is sometimes called “profiling.” These self-regulatory principles, which were announced on July 27, 2000 and unanimously applauded by the FTC and Department of Commerce, detail the specific protections to be afforded online users in the two types of OPM:

- (1) Non-Personally Identifiable Information (“Non-PII”), or strictly anonymous data.

- (2) The merger of Personally Identifiable Information (PII) with Non-PII, for purposes of more effective marketing, but resulting in the loss or partial loss of the anonymity of a user's browsing history to a network advertiser.

The principles also require that consumers be given the choice to opt-out from these practices. Coupled with a self-enforcement program, managed by Arthur Andersen LLP, the NAI principles will protect consumers' privacy while allowing advertisers to play their primary role in supporting the continued development of the Web.

Attached is a one-page summary of the NAI Self-Regulatory Principles followed by the Principles themselves.

NAI SELF-REGULATORY PRINCIPLES

Governing Online Preference Marketing (OPM)

Sensitive personally identifiable data – Network advertisers shall not use personally identifiable information about sensitive medical or financial data, sexual behavior or sexual orientation, nor social security numbers, for OPM.

Non-Personally Identifiable OPM – Network advertisers, when entering into a contract with publisher customers for services which include OPM, shall require that their customers: (1) post a privacy policy that clearly and conspicuously discloses (a) the customer’s use of the network advertiser services for OPM; (b) the type of information that may be collected by the network advertiser; and (c) the consumer’s ability to choose not to participate; and (2) provide a clear and conspicuous link to the Non-PII Opt-Out Page of the NAI gateway educational site (or, if only one network advertiser services the Web site, to a screen at the site of the network advertiser that has on the screen either the ability to opt-out or a hyperlink to the ability to opt-out).

Merger of PII with Previously Collected Non-PII – Network advertisers or organizations acting on their behalf will not merge previously collected Non-PII with PII for OPM without the consumer’s prior affirmative consent (“opt-in”) to any such merger. Network advertisers will only collect PII for OPM purposes only from the sites of publisher customers with which they have contractual relationships.

Merger of PII with Prospective Non-PII – Network advertisers will not merge PII with Non-PII collected on a going forward basis (i.e., after the user provides PII) for OPM unless the consumer has been afforded robust notice and choice about such merger before it occurs.

Robust Notice – The notice must be at the time and place of collection of the PII and must disclose (a) that the PII is shared with a network advertiser for purposes of OPM; (b) the type of information that may be collected and linked by the network advertiser; (c) the consequent loss or partial loss of anonymity to the advertising company of future web usage; and (d) the ability of the consumer to choose not to participate.

For this category of merger, all such opt-out notices in the screen presented to the user shall be substantially similar in clarity and prominence to the sample notices provided.

NAI Gateway Educational Site – NAI will establish an NAI site that will provide users with information about the privacy practices of NAI companies, as well as the ability readily to opt-out for each NAI company, at a single Web location.

Contractual Enforcement – If network advertisers know or have reason to know that a publisher customer is in breach of the specified contractual requirements for customer compliance, the network advertiser will make reasonable efforts to enforce the contract.

Access to PII – Network advertisers shall provide consumers with reasonable access to PII and other information that is associated with PII retained by the network advertiser for OPM uses.

Enforcement – The NAI principles themselves are an enforceable document under existing FTC authority. The NAI agrees to establish a third-party enforcement program that will govern compliance with the NAI principles, including the possibility of referrals to the Federal Trade Commission.

NETWORK ADVERTISING INITIATIVE

SELF-REGULATORY PRINCIPLES FOR ONLINE PREFERENCE MARKETING BY NETWORK ADVERTISERS

- I. Network Advertising Initiative (“NAI”) Overview
 - A. Network advertisers will adhere to the Online Privacy Alliance (“OPA”) Privacy Policies Guidelines for personally identifiable information.
 - B. Network advertisers will not use sensitive personally identifiable data for online preference marketing.
 - C. Network advertisers will not, without prior affirmative consent ("opt-in"), merge personally identifiable information with information previously collected as non-personally identifiable information.
 - D. Network advertisers will provide consumers with robust notice and choice regarding the merger of personally identifiable information with non-personally identifiable information collected on a going forward basis for online preference marketing.
 - E. Network advertisers will not use personally identifiable information (“PII”) consisting of PII collected offline merged with PII collected online for online preference marketing unless the consumer has been afforded robust notice and choice about such merger before it occurs.

F. Network advertisers will require Web publishers with which they have contractual relationships to provide notice and choice regarding the collection of non-personally identifiable information for online preference marketing.

II. NAI's Statement of Purpose

The following principles were developed by the signatories to this Network Advertising Initiative ("NAI") to guide business practices with respect to online advertising services delivered by Internet network advertisers (hereinafter "network advertisers"). NAI companies represent the vast majority of business-to-business, third-party network advertising companies that serve commercial Web sites. Network advertisers facilitate Web advertising through ad serving, hosting and ad sales services on the Web. For a Web site visitor, network advertisers provide advertisements that are more likely to be of interest and eliminate duplicative advertising. For a Web advertiser, network advertisers' services allow advertisers to reach cost-effectively the audience most likely to be interested in a product or service.

Network advertisers believe that, just as they play an important role in electronic commerce itself, they can play an important role in increasing consumer trust and confidence in electronic commerce. To that end, network advertisers are committed to educating consumers about the services they provide, enhancing consumers' ability to control the use of information generated during use of the Internet, and working with their corporate customers and clients to create an environment of trust that fosters protection for consumers' privacy online and in electronic commerce.

NAI companies are among the leading providers of solutions for Web network advertising products and services, such as banner advertising. Network advertisers in general provide a variety of services to Web sites; chief among them is delivering advertising that is tailored to demonstrated or predicted consumer characteristics or preferences. The collection and use of data by network advertisers to understand consumer preferences is often called "Profiling," but which is more accurately termed online preference marketing ("OPM"). OPM, as used herein, is a process used by network advertisers whereby data is typically collected over time and across Web pages to determine or predict consumer characteristics or preferences for use in ad delivery on the Web. The OPM process can use non-personally identifiable information or a combination of personally identifiable information and non-personally identifiable information.

Effective Internet advertising is fundamental to the accessibility and dynamism of this revolutionary medium. Advertising underwrites the rich variety of online content choices available to consumers at no cost or at a far lower cost

than would otherwise be possible. By delivering customized advertising, network advertisers offer substantial benefits for consumers and the advertiser. In addition, many small and emerging Web companies depend on network advertisers to compete against more well-established companies and their Web sites. Effective Internet advertising thus helps to maintain the low barriers to entry that have played a crucial role in the robust competition and innovation that have fueled this medium.

Network advertisers realize that they have a strong interest in informing consumers of their business practices because the network advertisers' practices and services are generally not obvious to the consumer. Network advertisers commit to providing consumers notice and choice about OPM. Network advertisers commit to the fair information practices articulated by the Online Privacy Alliance ("OPA") (www.privacyalliance.org) for personally identifiable information and to the consumer-friendly data management practices described below for non-personally identifiable information. Adherence to these principles will provide consumers with meaningful notice, appropriate opportunity to exercise choice, and increased confidence in online advertising. To this end, and as described herein, network advertisers will: (1) undertake business and consumer outreach; (2) disclose their data collection and use practices; (3) provide consumers with effective notice and the ability easily to opt-out of the use of data for OPM purposes; and (4) decline to merge personally identifiable information with information previously collected as non-personally identifiable information, without the consumer's prior affirmative consent ("opt-in") to any such merger.

III. Online Privacy Alliance ("OPA") Principles and Personally Identifiable Information

Network advertisers affirm and agree to abide by the Guidelines for Online Privacy Policies set forth by the OPA at: <http://www.privacyalliance.org/resources/ppguidelines.shtml/>. Personally Identifiable Information (PII) is data used to identify, contact or locate a person, including name, address, telephone number, or E-mail address. As it relates to PII specifically, the OPA states that its member companies must abide by the principles of notice, choice, access and security as defined by the OPA Guidelines.

IV. Principles for Online Preference Marketing by Network Advertisers

OPM, as used herein, is a process used by network advertisers whereby data is typically collected over time and across Web pages to determine or predict consumer characteristics or preferences for use in ad delivery on the Web. The OPM process can use non-personally identifiable information or a combination of personally identifiable information with non-personally identifiable information. OPM does not refer to the use of data by network advertisers for Ad Delivery and Reporting (see infra at p. 6). OPM excludes the use of data

provided by a Web site or advertiser directly to the network advertiser and used by that network advertiser for Internet advertising solely on behalf of such Web site or advertiser.

A. General OPM Safeguards

1. Sensitive Data - Network advertisers shall neither use personally identifiable information about sensitive medical or financial data, sexual behavior or sexual orientation, nor social security numbers, for OPM.
2. Collection from Reliable Sources - Network advertisers shall make reasonable efforts to ensure that they are obtaining data for OPM from reliable sources.
3. Protection of Collected Data - Network advertisers shall make reasonable efforts to protect the data they collect for OPM from loss, misuse, alteration, destruction or improper access.
4. Dissemination Restrictions - Network advertisers shall contractually require that any third parties to which they provide PII data adhere to, at a minimum, OPA Guidelines. For third parties to which they provide non-aggregate non-personally identifiable data to be merged with PII data possessed by the third party, network advertisers shall contractually require those transferees to adhere to these NAI Self-Regulatory Principles (unless the non-personally identifiable data is the proprietary data of the particular third-party publisher or advertiser).

B. Non-Personally Identifiable OPM by Network Advertisers

1. OPM Using Non-Personally Identifiable Information (Non-PII): Non-PII used for OPM by network advertisers is not linked to a particular person and is typically compiled from click stream information as a browser moves among different Web sites (or a single Web site) serviced by a network advertiser or from information provided to a network advertiser by third parties (so long as that information is not personally identifiable to the network advertiser).
 - (a) Notice and Choice Policy - Network advertisers that collect or use Non-PII online for OPM shall post clear and conspicuous notice on the network advertiser's Web site about their data collection and use practices,

and each shall give consumers an opportunity to opt out of OPM by that network advertiser. The opt-out may be accessed at a designated location on the network advertiser's Web site (which can be co-located with the company's privacy policy) or through the gateway educational Web site designed and supported by NAI companies for that purpose. (www.networkadvertising.org)

- (b) Notice by Network Advertisers - Such notice by the network advertiser shall include, without limitation, clear descriptions of the following:
- Profiling activities undertaken by the network advertiser;
 - what types of Non-PII are collected by the network advertiser;
 - how such Non-PII will be used by the network advertiser including transfer, if any, of non-aggregate data to a third party;
 - procedures for opting out of such data use (including a description of the circumstances that would make it necessary for a consumer to renew their opt-out, such as when a consumer changes computers, changes browsers, or deletes relevant cookies); and
 - the approximate length of time that such Non-PII will be retained by the network advertiser.
- (c) Choice - The opportunity to opt-out of OPM using Non-PII may be accessed at a designated location on the network advertiser's Web site (which can be co-located with the company's privacy policy) or through the gateway educational Web site designed and supported by NAI companies for that purpose. (www.networkadvertising.org)
- (d) Customer Compliance -- Network advertisers, when entering into a contract with publisher customers for services which include OPM, shall require that their customers: (1) post a privacy policy that clearly and conspicuously discloses (a) the customer's use of the network advertiser services for OPM; (b) the type of information that may be collected by the network advertiser; and (c) the consumer's ability to choose not to participate; and (2) provide a clear and conspicuous link to the Non-PII Opt-Out Page of the

NAI gateway educational site (or, if only one network advertiser services the Web site, the customer may instead provide a link to a screen at the site of the network advertiser with which it does business that has on that screen either the ability to opt-out or a hyperlink to the ability to opt-out) . A network advertiser “services” a Web site when it collects Non-PII or PII data from that Web-site for the purposes of OPM. If network advertisers know or have reason to know that a publisher customer is in breach of the above-specified contractual requirement, then the network advertiser will make reasonable efforts to enforce the contract.

In the absence of a contractual relationship, as part of NAI’s business outreach efforts, network advertisers shall make reasonable efforts to ensure that publishers: (1) post a privacy policy that discloses (a) network advertiser OPM on their Web site; (b) the type of information that may be collected by the network advertiser; and (c) the consumer’s ability to choose not to participate; and (2) provide a link to either the network advertiser or the NAI gateway educational site.

Appendix A provides a sample of acceptable notice language for publisher customers to disclose OPM using Non-PII. (Samples are illustrative only and do not establish a “one-size-fits-all” requirement.)

At the NAI gateway educational site, the consumers who choose not to participate will be afforded the ability readily to opt-out at a central Web page. Appendix B provides a “screen shot” of the proposed design of the NAI Non-PII Opt-Out Page. This page is being designed to ensure that consumers will easily find a concise description of the privacy practices of each of the NAI companies and have the ability readily to opt-out from the OPM practices of each NAI company at a central Web page. The Non-PII Opt-Out Page is being designed so that its length will approximate two conventional screen-lengths.

- (e) Compliance with Laws and Regulations - Network advertisers shall comply with all applicable laws and

regulations governing the collection and use of Non-PII.

- (f) Change in Policy - If a network advertiser materially changes its data collection and use policy, prior notice will be posted on its Web site. Any such material change in policy shall apply only to information collected following the change in policy. Information collected prior to the material change in policy shall continue to be governed by the policy in effect at the time the information was collected, unless the consumer provides affirmative consent ("opt-in") to the previously collected information being governed by the new policy.

2. Ad Delivery and Reporting

- (a) Apart from OPM, some Non-PII is used for ad delivery and reporting purposes ("Ad Delivery and Reporting"). Ad Delivery and Reporting includes: (1) providing a specific advertisement based on a particular type of browser or time of day; (2) statistical reporting in connection with the activity on a Web site; (3) tracking the number of ads served on a particular day to a particular Web site; and (4) other non-OPM uses. Data used for Ad Delivery and Reporting can include: type of browser, operating system, domain name, day and time of visit, page(s) visited and search term (if any) and other data (not including the use of clickstream data across Web sites for OPM) that is not used to identify, contact or locate an individual. Web sites are not required to disclose the collection of Non-PII for Ad Delivery and Reporting purposes. To help promote public understanding of these issues and of the different categories of information use, however, network advertisers agree to disclose on the network advertiser's Web site in a clear and conspicuous manner their Ad Delivery and Reporting practices, including the type of information collected and maintained for Ad Delivery and Reporting, and how long that information is maintained.
- (b) If a consumer elects to opt out of Non-PII OPM, Non-PII data regarding that consumer's browser will be used by the network advertiser only for Ad Delivery and Reporting purposes.

B. Merger of Non-PII with PII by Network Advertisers for OPM

1. Network advertisers will not merge personally identifiable information with information previously collected as Non-PII, without the consumer's prior affirmative consent ("opt-in") to any such merger.

(a) Notice and Choice Policy – This category of merger of Non-PII with PII by network advertisers for OPM applies to any OPM activity that links previously collected Non-PII (as defined in sec. IV.A.1) to personally identifiable information. PII is data used to identify, contact, or locate a person, including but not limited by name, address, telephone number, or E-mail address. Network advertisers or organizations acting on their behalf will not merge previously collected Non-PII with PII for OPM without the consumer's prior affirmative consent ("opt-in") to any such merger.

(b) Notice by Network Advertisers - Such notice shall include, without limitation, clear descriptions of the following:

- Profiling activities undertaken by the network advertiser;
- what types of PII and Non-PII previously collected will be merged by the network advertiser;
- how the merged information will be used by the network advertiser, including transfer, if any, to a third party;
- procedures for opting in to such data use (including a description of the circumstances that would make it necessary for a consumer to renew their opt-in, such as when a consumer changes computers, changes browsers, or deletes relevant cookies); and
- the approximate length of time that such information will be retained by the network advertiser.

(c) Customer Compliance - When the PII is to be merged with Non-PII that was previously collected, the consumer must give affirmative consent ("opt-in") to such merger at the time such PII is collected online or, if collected offline, first used online.

Appendix A provides a sample of acceptable notice language at the time and place that PII is collected online for purposes of merger with previously collected Non-PII. (Samples are illustrative only and do not establish a “one-size-fits-all” disclosure requirement.)

Appendix C provides a sample “mock-up” of notice provided at the time and place of collection of PII for purposes of merger with previously collected Non-PII. (This sample is illustrative only.)

- (d) Notwithstanding the above affirmative consent ("opt-in") option, network advertisers will not merge Non-PII with PII if that Non-PII was collected pursuant to a privacy policy that stated that such information would never be merged with PII.
- (e) Network advertisers will collect PII for OPM purposes only from the sites of publisher customers with which they have contractual relationships. If network advertisers know or have reason to know that a publisher customer is in breach of the above-specified contractual requirement for Customer Compliance, then the network advertiser will make reasonable efforts to enforce the contract.
- (f) Access to PII – Network advertisers shall provide consumers with reasonable access to PII and other information that is associated with PII retained by the network advertiser for OPM uses.

2. Network advertisers will not merge PII with Non-PII collected on a going forward basis (i.e., after the user provides PII) for OPM unless the consumer has been afforded robust notice and choice about such merger before it occurs. This practice will be referred to as the merger of PII with prospective Non-PII.

- (a) Robust Notice and Choice Policy – This category of merger of Non-PII with PII by network advertisers for OPM applies to any OPM activity that links personally identifiable information to Non-PII (as defined in sec. IV.A.1) collected on a prospective basis only. Network advertisers or organizations acting on their behalf will not merge prospective Non-PII with PII for OPM unless the consumer has been afforded robust

notice and choice about such merger before it occurs. For notice to be robust, the consumer must be afforded clear and conspicuous notice about the scope of the Non-PII that would be made personally identifiable and how the Non-PII will be used as a result of such merger.

- (b) Network advertisers also will not use PII consisting of PII collected offline merged with PII collected online for OPM purposes unless the consumer has been afforded robust notice and choice about such merger before it occurs.
- (c) Notice by Network Advertisers - Such notice shall include, without limitation, clear descriptions of the following:
 - Profiling activities undertaken by the network advertiser;
 - what types of PII and Non-PII will be merged by the network advertiser;
 - how the merged information will be used by the network advertiser, including transfer, if any, to a third party;
 - procedures for opting out of such data use (including a description of the circumstances that would make it necessary for a consumer to renew their opt-out, such as when a consumer changes computers, changes browsers, or deletes relevant cookies); and
 - the approximate length of time that such information will be retained by the network advertiser.
- (d) Customer Compliance - When the PII is to be merged with Non-PII that will be collected on a prospective basis only, the consumer must be afforded a clear and conspicuous opportunity to opt-out of such merger at the time and place such PII is collected online or, if collected offline, first used online. The notice at the time and place of collection of the PII must disclose (a) that the PII is shared with a network advertiser for purposes of OPM; (b) the type of information that may be collected and linked by the network advertiser; (c) the consequent loss or partial loss of anonymity to the advertising company of future Web usage; and (d) the ability of the consumer to

choose not to participate. For purposes of merger of PII with prospective Non-PII, the notice and ability to opt-out must be provided above or before the button to submit the PII. For that network advertiser, the opt-out shall be at least for the purpose defined in the disclosure and shall occur either at the Web publisher site, the network advertiser's Web site or at the Merger Opt-Out Page of the NAI gateway educational site, www.networkadvertising.org. Because consumers may not know for which network advertiser they have opted out or whether they have done so for the life of the browser, the consumer may also opt-out of the merger of Non-PII and PII at the Merger Opt-Out Page of the NAI gateway educational site, www.networkadvertising.org, at any subsequent point in time. Once a user has opted out at the NAI gateway educational site, the user has done so for the life of the browser or until the user deletes the opt-out cookie.

Appendix A provides a sample of acceptable notice language at the time and place that PII is collected online for purposes of merger with prospective Non-PII. (Samples are illustrative only and do not establish a "one-size-fits-all" disclosure requirement.)

Appendix B provides a "screen shot" of the proposed design of the NAI Merger Opt-Out Page. This page is being designed to ensure that consumers will easily find a concise description of the privacy practices of each of the NAI companies that merge PII and Non-PII and have the ability readily to opt-out from the OPM merger practices of those NAI companies at a central Web page. The Merger Opt-Out Page is being designed so that its length will approximate two conventional screen-lengths.

Appendix D provides a sample "mock-up" of robust notice and choice provided at the time and place of collection of PII for purposes of merger with prospective Non-PII. The sample notice is clear and conspicuous in the context of this particular Web-site mock-up. This sample is illustrative only, because the Web sites on which such notices will appear will be of infinite variety. However, for this category of merger, all such opt-out notices in the screen presented to the

user shall be substantially similar in clarity and prominence to this sample notice.

- (e) Ad Delivery and Reporting -- Non-PII collected solely for purposes of Ad Delivery and Reporting following a consumer's election to opt out of the collection of data for OPM may not, under any circumstances, be combined with PII.
- (f) Change in Policy - If a network advertiser materially changes its data collection and use policy, prior notice will be posted on its Web site. Any such material change in policy shall apply only to information collected following the change in policy. Information collected prior to the material change in policy shall continue to be governed by the policy in effect at the time the information was collected, unless the consumer provides affirmative consent ("opt-in") to the previously collected information being governed by the new policy. For this consent to be effective, the consumer must be advised clearly about the scope of the Non-PII that would be made personally identifiable as a result of such merger.
- (g) Network advertisers will collect PII for OPM purposes only from the sites of publisher customers with which they have contractual relationships. If network advertisers know or have reason to know that a publisher customer is in breach of the above-specified contractual requirement for Customer Compliance, then the network advertiser will make reasonable efforts to enforce the contract.

V. NAI Educational Efforts Aimed at Businesses and Consumers

- A. Business Outreach - NAI companies shall undertake to educate their business customers about the data collection and use issues associated with Internet advertising and services, the NAI Principles described herein, and the benefits of the responsible flow of information.
- B. Consumer Outreach - NAI companies shall undertake to educate consumers about the data collection and use issues associated with Internet advertising on their own Web sites and in the

privacy statements of their customers. In addition, NAI has established a Web site, located at <http://www.networkadvertising.org/>, in order to facilitate consumer awareness and provide a convenient mechanism for consumers to exercise choice regarding such data collection and/or use.

VI. Compliance

NAI members shall be obligated to implement these Principles within six (6) months of the adoption of the Principles. However, the conditions on the merging of PII and Non-PII data shall be effective immediately upon the release of these Principles. All future members of NAI will be obligated to implement these Principles within six (6) months of joining NAI. However, the conditions on PII and the merging of PII and Non-PII data shall be effective immediately at the time the company joins NAI.

VII. Enforcement

NAI members agree to work with a third-party enforcement program that certifies third-party ad serving and/or network advertisers to establish a third-party enforcement program that will govern compliance with the NAI Principles for Online Preference Marketing by Network Advertisers, and to join such a program, within six months of the adoption of the Principles.

The third-party enforcement program will include elements typical of a “seal” program, including: random audits by the third-party enforcer; the ability of consumers to file complaints and the third-party enforcer to investigate; for those network advertisers found not in compliance, an opportunity to redress the shortcomings of a report by the third-party enforcer; and, finally, if the network advertiser remains not in compliance after a reasonable opportunity to redress, the possibility of sanctions, including revocation of the seal and making such action publicly available at some designated central point as well to the Federal Trade Commission.

If no third party enforcement program that certifies third party ad serving and / or network advertisers is in place within six months of the adoption of the Principles, the NAI members will use independent audits of their practices to certify compliance with the NAI Principles. The summary report of such audits shall be made publicly available at the NAI Gateway Educational site.

VIII. Amendments to Principles

These principles may be amended by a four-fifths vote of the signatories to this document after thirty days prior written notice has been provided to the

third-party enforcement program, the Federal Trade Commission and the Commerce Department.

NAI Members

The Network Advertising Initiative includes the leading Internet Advertising Networks as of July 10, 2000:

**24/7 Media
AdForce
AdKnowledge
Avenue A
Burst! Media
DoubleClick
Engage
L90
MatchLogic**

APPENDIX A

SAMPLE NOTICE LANGUAGE

SAMPLES ARE ILLUSTRATIVE ONLY AND DO NOT ESTABLISH A “ONE-SIZE-FITS-ALL” STANDARD

Within the categories of Non-PII and Merger of PII with Non-PII, the business models employed by a third-party advertiser can vary significantly. The key facts that must be disclosed to consumers in an appropriate notice disclosure, therefore, can also vary.

As a consequence, one should expect that clear and factually accurate notice disclosures can be narrowly tailored depending on the actual business model employed in any specific case. Adequate notice disclosures may therefore vary across advertising company and Web publisher site. So long as the notice disclosure is accurate, it need not be overbroad nor track the notice language that may be appropriate in another setting. Nevertheless, in all instances, notice must be factually accurate and objectively lead the reader to know about certain key aspects of the profiling practices of the third-party advertiser, as well as the consumer's ability to choose not to participate.

Sample Notice Language for Non-PII

We use third-party advertising companies to serve ads when you visit our Web site. These companies may use information (not including your name, address email address or telephone number) about your visits to this and other Web sites in order to provide advertisements about goods and services of interest to you. If you would like more information about this practice and to know your choices about not having this information used by these companies, [click here](#).

Sample Notice Language for Merger of PII and (Previously Collected) Non-PII

Please [click here](#) to allow us to share this information with our third party advertising company so it can market more effectively to you. Because our advertising company may link your name, address and e-mail address to your past Web usage, some of your past and future Web activity will no longer be anonymous to them. To learn more about this practice, [click here](#).

Sample Notice Language for Merger of PII and (Prospective) Non-PII

We share this information with our third-party advertising company in order to market more effectively to you. Our advertising company may link your name, address and e-mail address to other information which they collect, such as past purchase information and your future Web usage from other sites. By providing your personal information here, some of your future Web usage will no longer be anonymous to our advertising company. To learn more about this practice, [click here](#). To choose not to have this information used by our third party advertising partner, [click here](#).

**Consumer Opt-Out Page
For Merger of Personally Identifiable Information and
Non-Personally Identifiable (Anonymous) Data
for Online Preference Marketing**

The following companies merge personally identifiable information, such as your name, address and e-mail address, to other information which they collect, such as past purchase information and your future Web usage from other sites. You may opt-out of this practice by any or all of these network advertisers by checking the box after reading a summary of their privacy policies.

Company A is xxxxxxxxxxxx xxxxxxxxxxxxxxxxxxxxxxxx xxxx xxxxxxxxxxxx
xxxxxxxxxxxx xxxxxxxx xxxxxxxxxxxxxxxx xxxxxxxxxxxxxxxxxxxxxxxx xxxx xxxxxxxxxxxx
xxxxxxxxxxxx xxxxxxxxxxxxxxxxxxxxxxxx xxxxxxxxxxxxxxxxxxxxxxxx xxxx xxxxxxxxxxxx
xxxxxxxxxxxx xxxxxxxx xxxx xxx xxx xxxxxxxxxxx xxxxxxxxxxxxxxxx xxxx xxxxxxxxxxxx
xxxxxxxxxxxx xxxxxxxxxxxxxxxxxxxxxxxx xxxxxxxx xxxxxx xxxxx xxxx xxxxxxxxxxxx
xxxxxxxxxxxx xxxxxxxx xxxxxxxxxxxxxxxx xxxxx xxxxx xx xxxxxxxx xxxx

I would like to opt out of the merger of personally identifiable information with anonymous data.

Company B is xxxxxxxxxxxx xxxxxxxxxxxxxxxxxxxxxxxx xxxx xxxxxxxxxxxx
xxxxxxxxxxxx xxxxxxxx xxxxxxxxxxxxxxxx xxxxxxxxxxxxxxxxxxxxxxxx xxxx
xxxxxxxxxxxx xxxxxxxxxxxxxxxx xxxxxxxx xxxxxxxxxxxxxxxx
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xxxxxxxxxxxx xxxxxxxx xxxxxxxxxxxxxxxx xxxxxxxxxxxxxxxxxxxxxxxx

I would like to opt out of the merger of personally identifiable information with anonymous data.

Company C is xxxxxxxxxxxx xxxxxxxxxxxxxxxxxxxxxxxx xxxx xxxxxxxxxxxx
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xxxxxxxxxxxx xxxxxxxx xxxxxxxxxxxxxxxx xxxxxxxxxxxxxxxxxxxxxxxx xxxx xxxxxxxxxxxx
xxxxxxxxxxxx xxxxxxxx xxxxxxxxxxxxxxxx xxxxxxxxxxxxxxxxxxxxxxxx xxxx xxxxxxxxxxxx
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xxxxxxxxxxxx xxxxxxxx xxxxxxxxxxxxxxxx.

I would like to opt out of the merger of personally identifiable information with anonymous data.

Company D is xxxxxxxxxxxx xxxxxxxxxxxxxxxxxxxxxxxx xxxx xxxxxxxxxxxx
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xxxxxxxxxxxx xxxxxxxx xxxxxxxxxxxxxxxx xxxxxxxxxxxxxxxxxxxxxxxx xxxx xxxxxxxxxxxx
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xxxxxxxxxxxx xxxxxxxx

APPENDIX D

SAMPLE MOCK-UP: Merger of PII with (Prospective) Non-PII

SAMPLE MOCK-UPS ARE ILLUSTRATIVE ONLY

A standard of reasonableness should govern the interpretation of “clear and conspicuous” placement of notice disclosures. Employing a reasonableness standard means that NAI cannot establish hard-and-fast guidelines to determine what constitutes clear and conspicuous placement of adequate notice disclosure, because the Web publisher pages on which notice disclosures will appear are of infinite variety. Reasonably clear and conspicuous notice will vary with the complexity and style of the Web page on which the notice must appear.

Appendix D provides sample “mock-ups” of robust notice and choice provided at the time and place of collection of PII for purposes of merger with prospective Non-PII. The sample notice is clear and conspicuous in the context of this particular Web-site mock-up. This sample is illustrative only; however, for this category of merger, all such opt-out notices in the screen presented to the user shall be substantially similar in clarity and prominence to this sample notice. Moreover, notice must be provided at the time and place of collection of PII for purposes of merger with Non-PII above or before the submit button.

<http://www.doubleclick.net/datagr/notice/noticeindex.html>

DEFINITIONS

Ad Delivery and Reporting – Ad Delivery and Reporting includes: (1) providing a specific advertisement based on a particular type of browser or time of day; (2) statistical reporting in connection with the activity on a Web site; (3) tracking the number of ads served on a particular day to a particular Web site; and (4) other non-OPM uses. Data used for Ad Delivery and Reporting can include: type of browser, operating system, domain name, day and time of visit, page(s) visited and search term (if any) and other data (not including the use of clickstream data across Web sites for OPM) that is not used to identify, contact or locate an individual.

Non-Personally Identifiable Information (Non-PII) – Non-PII used for OPM by network advertisers is not linked to a particular person and is typically compiled from click stream information compiled as a browser moves among different Web sites (or a single Web site) serviced by a particular network advertiser or from information provided by third parties (so long as that information is not personally identifiable to the network advertiser).

Online Preference Marketing (OPM) – OPM is a process used by network advertisers whereby data is typically collected over time and across Web pages to determine or predict consumer characteristics or preferences for use in ad delivery on the Web. The OPM process can use non-personally identifiable information or a combination of personally identifiable information and non-personally identifiable information. OPM does not refer to the use of data by network advertisers for Ad Delivery and Reporting. OPM excludes the use of data provided by a Web site or advertiser directly to the network advertiser and used by that network advertiser for Internet advertising solely on behalf of such Web site or advertiser.

Personally Identifiable Information (PII) – PII is data used to identify, contact or locate a person, including name, address, telephone number, or E-mail address.

Services – A network advertiser “services” a Web site when it collects Non-PII or PII data from that Web-site for the purposes of OPM.

Web -- The Web is actually just one service on the Internet. It is a collection of graphical hyper-linked documents made publicly available on computers (or Web servers) around the world. The information on these servers can be viewed or accessed with a browser.