

## Online Behavioural Advertising Compliance Procedure

The Accountability Principle is one of the core principles of the DAAC's [Canadian Self-Regulatory Principles for Online Behavioural Advertising](#) (the Principles).

The Principles provide that Ad Standards, the national, independent, advertising self-regulatory body, is responsible for the management and operation of the accountability program for the self-regulatory framework set out in the Principles.

The Accountability Principle requires Ad Standards to have in place monitoring, complaint handling, compliance, and transparency and reporting processes. Accordingly, this Compliance Procedure sets out the manner in which Ad Standards will:

- monitor compliance by corporations or other legal persons that enter into an agreement with the Digital Advertising Alliance of Canada to comply with the Principles (Companies);
- receive and address complaints about the Online Behavioural Advertising (OBA)<sup>1</sup> practices of Companies, as well as the OBA practices of other corporations or other legal persons (Non-Signatories), about possible non-compliance with the Principles;
- work with Companies and Non-Signatories to achieve compliance; and
- publish findings of Company or Non-Signatory non-compliance with the Principles.

### Summary of Procedure

Instances of possible non-compliance with the Principles will come to Ad Standards' attention through its monitoring of Companies, and through complaints submitted to Ad Standards about a Company or Non-Signatory.

#### Monitoring

Ad Standards monitors for compliance with the Principles by Companies.

#### Complaints

Ad Standards accepts and investigates complaints it receives about possible non-compliance with the Principles by any Company or Non-Signatory.

#### Complaint Receipt

A complainant files a written complaint to Ad Standards through the [Online Behavioural Advertising Reporting Form](#).

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<sup>1</sup> Online Behavioural Advertising or OBA is defined in the Glossary of the Principles as the collection of Data by a Third Party or Service Provider from a particular computer or device regarding Web viewing behaviors over time and across Web sites for the purpose of using such Data to predict user preferences or interests to deliver advertising to that computer or device based on preferences or interests inferred from such Web viewing behaviours. Online Behavioural Advertising does not include the activities of First Parties, Ad Delivery or Ad Reporting, or contextual advertising (i.e. advertising based on the content of the Web page being visited, a consumer's current visit to a Web page, or a search query).

## **Preliminary Review of Complaint**

Ad Standards conducts a preliminary review and determines whether there is sufficient evidence to pursue an investigation, or whether the complaint is “Excluded”.

A complaint is “Excluded” where, in the sole determination of Ad Standards:

- the complaint is trivial, frivolous or vexatious or is made in bad faith;
- the complaint relates to a Non-Signatory that is not resident in Canada and its OBA activities do not involve Canadian residents;
- the matter or substance of the complaint is already the subject of an ongoing investigation by the Office of the Privacy Commissioner of Canada or another Canadian privacy regulatory authority;
- the matter or substance of the complaint is substantially similar to a matter that is currently or has been the subject of litigation or other legal action actively undertaken or pursued in Canada, or is under review or subject to an order by a Canadian court, tribunal or other body that has jurisdiction over the matter; or
- a resolution of the complaint is beyond the resources or ability of Ad Standards to resolve effectively or reasonably.

For complaints that are not accepted by Ad Standards because they do not raise a possible compliance issue under the Principles or are otherwise Excluded, Ad Standards sends a letter of explanation to the complainant. As appropriate, Ad Standards may forward a complaint to the Office of the Privacy Commissioner of Canada and/or other appropriate regulatory or self-regulatory authority.

## **Investigations**

Ad Standards initiates an investigation if Ad Standards accepts a complaint for further review, or if Ad Standards has identified possible noncompliance with the Principles through monitoring.

### **Letter of Inquiry**

Ad Standards sends a Letter of Inquiry to notify the subject Company or Non-Signatory that an investigation has been initiated, and in the case of a complaint, provides it with a copy of the complaint.

Ad Standards’ Letter of Inquiry will provide details of the possible non-compliance as alleged by the complainant, or as identified through Ad Standards’ monitoring, and will identify the specific Principle(s) alleged to have been breached.

Ad Standards will request a response to the Letter of Inquiry from the Company or Non-Signatory within 10 working days of receipt of the Letter of Inquiry. Ad Standards, in its discretion, may grant a reasonable extension of time for the Company or Non-Signatory to respond to the Letter of Inquiry.

At any time during the investigation, Ad Standards, a Company or a Non-Signatory may request, or provide, additional relevant information.

## Ad Standards Decision

Upon review of the response from the Company or Non-Signatory to the Letter of Inquiry and the completion of its investigation, Ad Standards determines whether one or more of the Principles has been breached.

If Ad Standards determines that there is non-compliance with one or more Principles, Ad Standards will advise the Company or Non-Signatory and work with it collaboratively to effect compliance within a reasonable timeframe thereafter.

In the case of a complaint, Ad Standards will communicate the outcome of its investigation to the complainant.

### **Failure to Respond or Comply with the Principles**

If the Company or Non-Signatory does not respond to Ad Standards' Letter of Inquiry within the prescribed time period, or refuses or otherwise fails to bring itself into compliance with the Principles, Ad Standards may forward the matter and the outcome of Ad Standards' investigation of the matter to the Office of the Privacy Commissioner of Canada and/or other appropriate provincial privacy regulatory authority.

## Reporting

Ad Standards publicly reports findings of non-compliance, the reason for those findings and any actions taken with respect to instances of non-compliance.

Ad Standards' public reports on non-compliance will only identify the non-compliant Company or Non-Signatory in the case of a Company or Non-Signatory that does not bring itself into compliance within a reasonable time frame after being informed of Ad Standards' determination of the contravention of the Principles. Despite the foregoing, noncompliant entities will not be publicly reported as such prior to June 1, 2014.