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Practical Website Privacy Compliance Steps for Attorneys and Marketing Professionals

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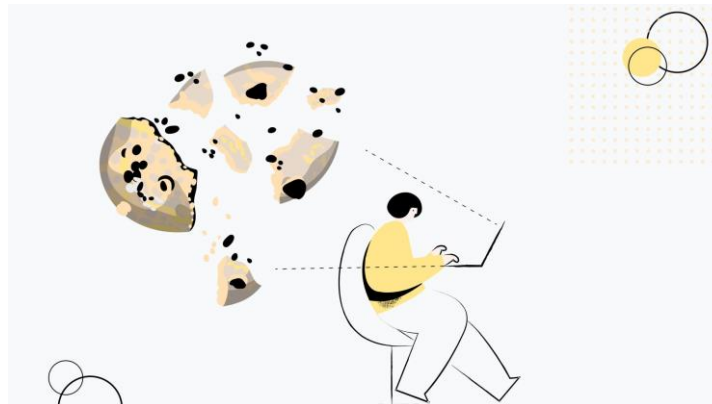


Kelly Miranda

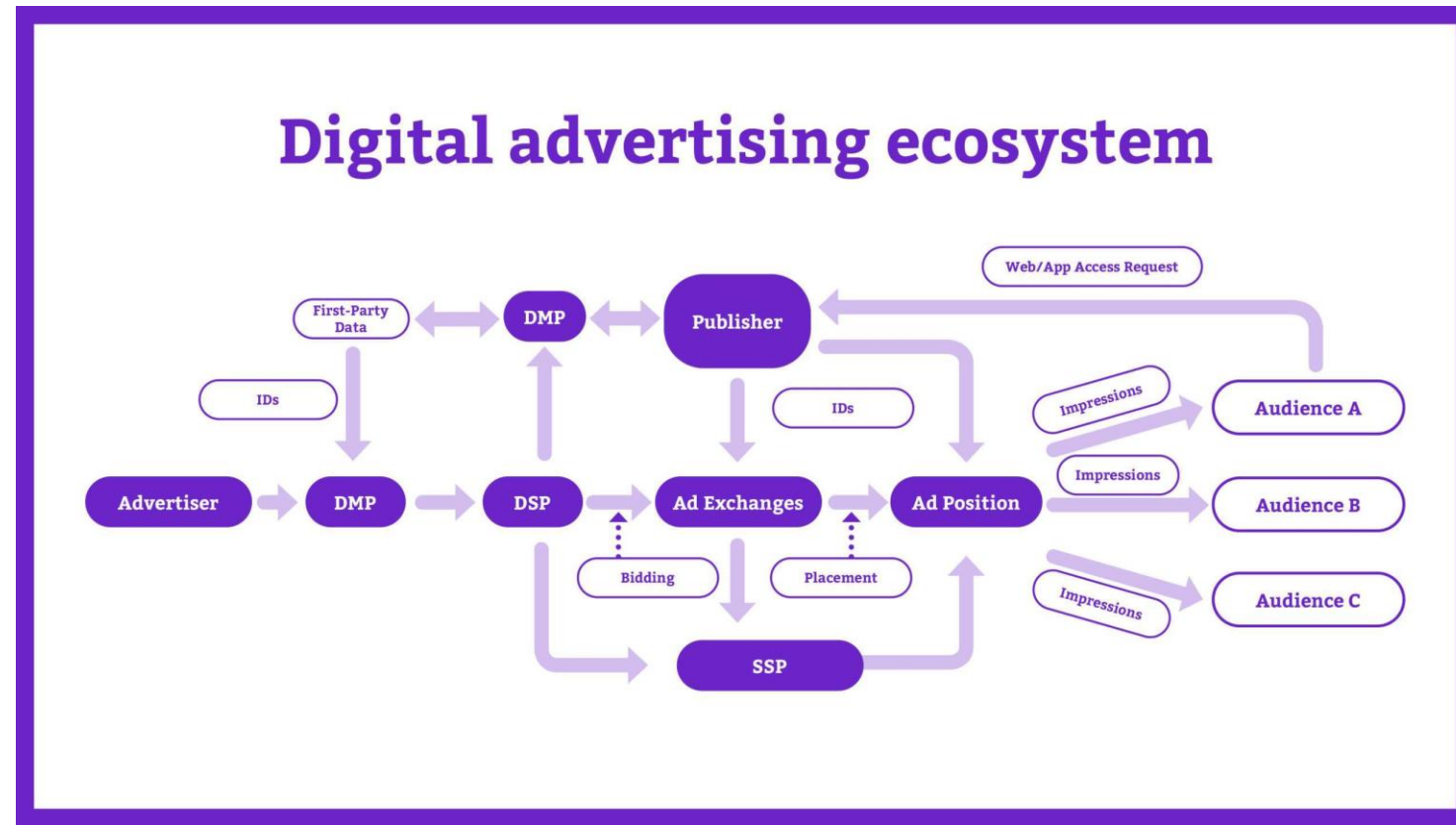
Chief Privacy Officer, Grindr

Goals for this Session

- Provide a brief overview of what third party trackers are, and why they matter in the context of privacy laws.
- Discuss how certain trackers are not always straight-forward on the types of personal data that may be shared with third parties.
- Discuss best practices for assessing collection of data through trackers, while staying compliant with privacy laws.



Overview of Digital Advertising Ecosystem



Third Party Tracker Legal Considerations



Law	Requirement
General Data Protection Regulation	Opt-in consent required for all third-party trackers on websites
California Consumer Privacy Act	Opt-out consent required for all third party trackers on websites
Video Privacy Protection Act	Videos with Pixels. Consent for tracking may be required if: Are these live videos or pre-recorded? How much is the provision of videos a substantial part of the business of the website? Are the videos tailored to the services that your organization is providing?
California Invasion of Privacy Act	Website operators alleged to be abetting in wiretapping, if live chats, session replays, or pixels are used.

Statistics on Third Party Tracker Use

(Lokker 2024 Data Privacy Report)

- 67% of websites use a consent banner, but consent management tools don't always work as intended.
- 98.5% of websites load cookies upon page load before consent can be granted.
- 47% of websites have the Meta Pixel.
- 5% of websites are at risk of VPPA lawsuits.

September 14, 2022

Sephora Settles with California AG for \$1.2M for Alleged CCPA Violations Relating to Third-Party Cookies and User-Enabled Opt-Out Signals

Some Hospital Websites May Be Violating Privacy Rules By Sharing Data With Third-Party Trackers



Tax prep companies shared private taxpayer data with Google and Meta for years, congressional probe finds


Meta Pixel Capabilities


- The Meta Pixel has the ability to share both data about the websites you visit, as well as the data that you share back to Meta.
- Advanced Matching Capabilities have the ability to share data back to Meta even if you are not logged into your facebook account at that time.




User Data	Parameter	Format	Example
Email	<code>em</code>	Unhashed lowercase or hashed SHA-256	<code>jsmith@example.com</code> or <code>6e3913852f512d76acff15d1e402c7502a5bbe6101745a7120a2a4833ebd2350</code>
First Name	<code>fn</code>	Lowercase letters	<code>john</code>
Last Name	<code>ln</code>	Lowercase letters	<code>smith</code>
Phone	<code>ph</code>	Digits only including country code and area code	<code>16505554444</code>
External ID	<code>external_id</code>	Any unique ID from the advertiser, such as loyalty membership ID, user ID, and external cookie ID.	<code>a@example.com</code>
Gender	<code>ge</code>	Single lowercase letter, <code>f</code> or <code>m</code> , if unknown, leave blank	<code>f</code>

Meta Pixel Data Sharing Examples

 **Meta Pixel Helper**
Learn More 

One pixel found 

 **Meta Pixel** Troubleshoot Pixel
Pixel ID: 1452253051755031 [click to copy](#) Set up events

- ▶  AddToCart
- ▶  PageView
- ▶  ViewContent

Name	X	Headers	Payload	Preview	Response	Initiator	Timing	Cookies
tr/?id=1452253051755031&ev=Ad... trigger/?id=1452253051755031&e...			▼ Query String Parameters view source view URL-encoded					
			<pre>id: 1452253051755031 ev: AddToCart dl: https://www.mercedes-benz.com/mens-classic-fit-long-sleeve-oxford-shirt?ID=2048223&swatchColor=Blue%20White%20Check rl: https://www.mercedes-benz.com/mens-classic-fit-long-sleeve-oxford-shirt/Sleeve_length/Long%20Sleeve?id=20626&cm_sp=c2_1111US_browse_men-men%27s-clothing-shirts-_row0_-_vn_long-sleeve-shirts&edge=hybrid if: false ts: 1714995265052 cd[content_ids]: ["889043106203"] cd[content_name]: Mens Classic Fit Long Sleeve Oxford Shirt"] cd[content_type]: product cd[currency]: USD cd[value]: 125 sw: 1920 sh: 1080 ud[external_id]: 98eccdc3662b436890b2631b84ea2bdeba814c9204939613afad58f3d7e98567 v: 2.9.155 r: stable a: tmetalium ec: 2 o: 29 ler: other cdl: API_unavailable it: 1714995226071 coo: false eid: fa2f5f76a2891d81b2757f0c4e7fcc85 tm: 1 rqm: GET</pre>					

Meta Pixel Data Sharing Examples



Meta Pixel

Pixel ID: 1707646556144746 [click to copy](#)

[Troubleshoot Pixel](#)

[Set up events](#)

▼ ⚠ PageView

WARNINGS

The Facebook pixel activated 3 times on this web page, which can cause errors in your event tracking. [Learn more](#)

EVENT INFO

Setup Method: Manual

URL called: [Show](#)

Load Time: 36.77 ms

Pixel Location: [Show](#)

id: 1707646556144746

ev: Search

dl: https://www.facebook.com/

rl: https://www.facebook.com/

if: false

ts: 1714997304904

cd[dpo]: LDU

cd[dpoco]: 0

cd[dpost]: 0

cd[departing_departure_date]: 2024-08-13

cd[returning_departure_date]: 2024-08-20

cd[origin_airport]: IAD

cd[destination_airport]: LHR

cd[content_type]: flight

sw: 1920

sh: 1080

v: 2.9.155

r: stable

a: tmetaliu

ec: 0

o: 4125

fbp: fb.1.1714997238790.207228912

ler: empty