

Privacy Court: Who is Tracking Your Tracking Technologies?

SPEAKERS



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Prosecution

Ms. Patricia Permission et al
v. Fictitious Financial

This Case Is About Trust

- Users were told they had control through the privacy policy and consent pop-up banner
- Their preferences were not honored
- Data was still collected and shared
- The issue is not intent, but execution

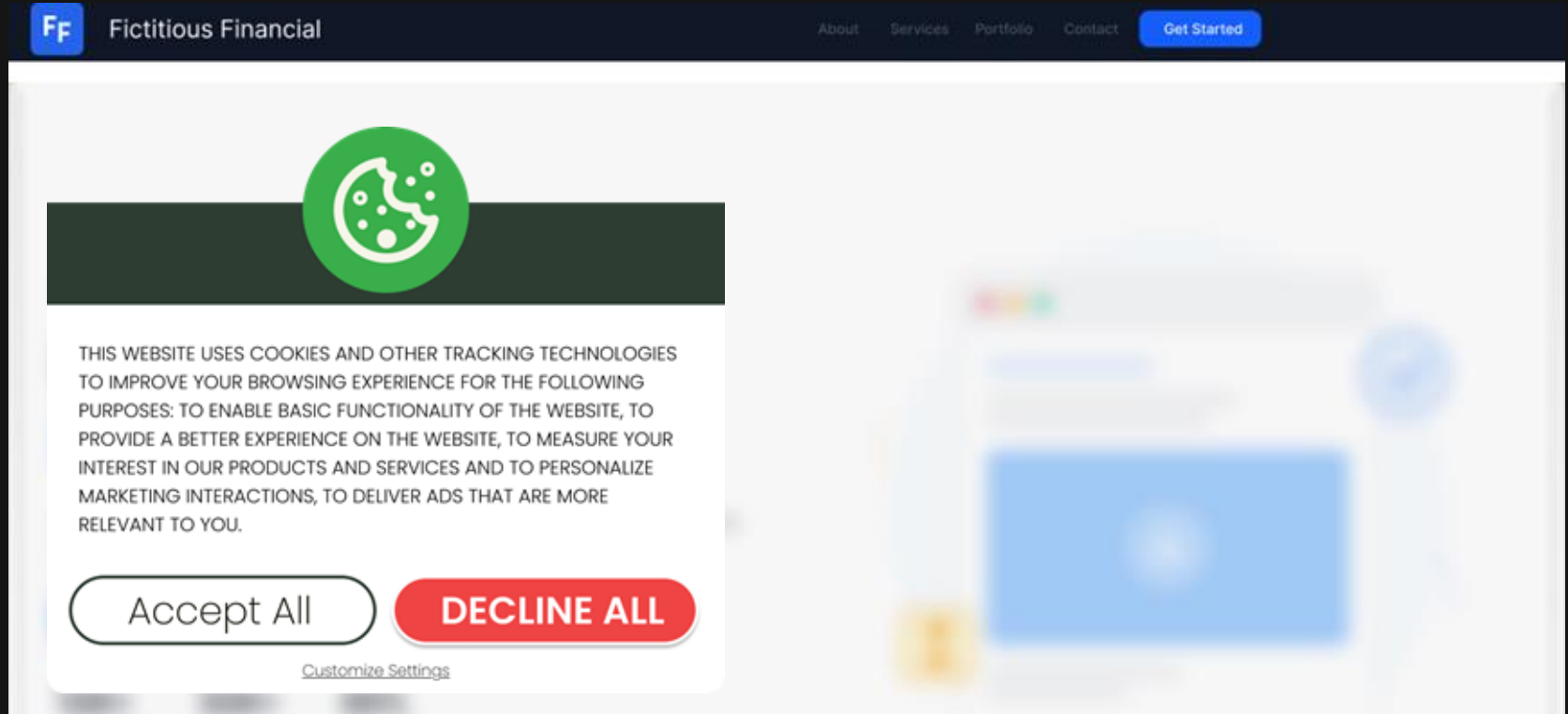
Who Is Fictitious Financial?

- Financial services provider
- Supports high-stakes consumer decisions
- Positions itself as a trusted partner
- Leverages marketing technologies and advertising platforms

What the Plaintiff Did

- Searched for mortgage refinancing
- Visited Fictitious Financial's website
- Interacted with consent banner
- Attempted to protect privacy


Exhibit A



The image shows a screenshot of a website's cookie consent banner. The banner is white with a dark green header bar. On the left side of the header bar is a green circular icon containing a white globe with several small white circles around it. Below the header bar, the text reads: "THIS WEBSITE USES COOKIES AND OTHER TRACKING TECHNOLOGIES TO IMPROVE YOUR BROWSING EXPERIENCE FOR THE FOLLOWING PURPOSES: TO ENABLE BASIC FUNCTIONALITY OF THE WEBSITE, TO PROVIDE A BETTER EXPERIENCE ON THE WEBSITE, TO MEASURE YOUR INTEREST IN OUR PRODUCTS AND SERVICES AND TO PERSONALIZE MARKETING INTERACTIONS, TO DELIVER ADS THAT ARE MORE RELEVANT TO YOU." At the bottom of the banner, there are two buttons: "Accept All" in a white rounded rectangle with a dark green border, and "DECLINE ALL" in a red rounded rectangle with a white border. Below the "Accept All" button is a link that says "Customize Settings". The background of the screenshot is blurred, showing a dark blue navigation bar with the "Ff Fictitious Financial" logo on the left and links for "About", "Services", "Portfolio", and "Contact" on the right. A blue "Get Started" button is also visible in the navigation bar.

Ff Fictitious Financial

About Services Portfolio Contact **Get Started**



THIS WEBSITE USES COOKIES AND OTHER TRACKING TECHNOLOGIES TO IMPROVE YOUR BROWSING EXPERIENCE FOR THE FOLLOWING PURPOSES: TO ENABLE BASIC FUNCTIONALITY OF THE WEBSITE, TO PROVIDE A BETTER EXPERIENCE ON THE WEBSITE, TO MEASURE YOUR INTEREST IN OUR PRODUCTS AND SERVICES AND TO PERSONALIZE MARKETING INTERACTIONS, TO DELIVER ADS THAT ARE MORE RELEVANT TO YOU.

Accept All **DECLINE ALL**

[Customize Settings](#)

What Exhibit A Shows

- Clear opt-out option presented
- User selected “Reject all cookies”
- No personal data submitted
- Expectation of privacy established

What Should Have Happened

- Consent should have been enforced
- No tracking beyond essentials
- No third-party data sharing
- No behavioral profiling

Exhibit B

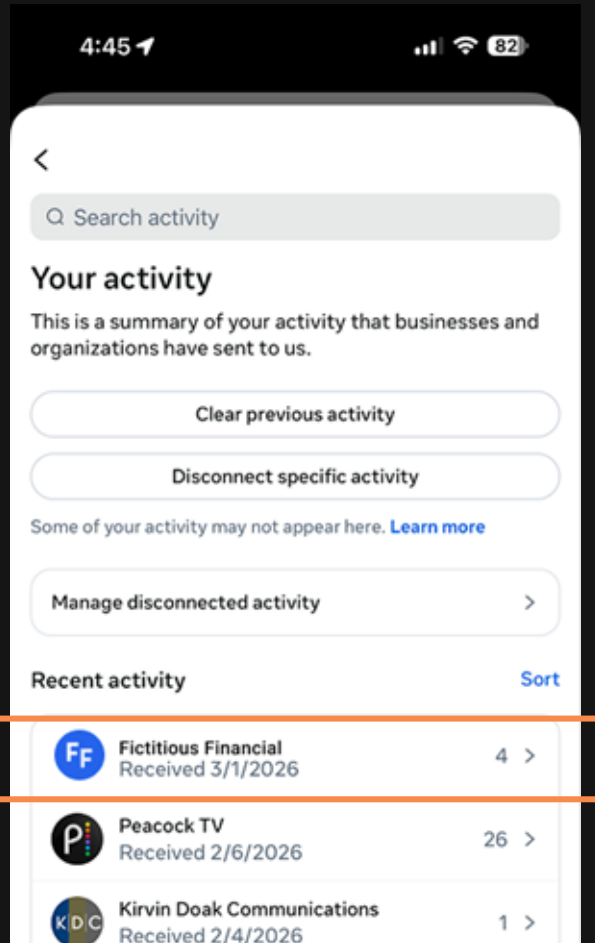


Exhibit C

DATA FLOW DIAGRAM

HOW FICTIONAL FINANCIAL SHARED DATA AFTER "REJECT ALL COOKIES"



What Exhibit B Shows

- Third-party requests still fired
- Meta Pixel activity observed
- Tracking continued post opt-out
- Consent signal was not enforced

What Was Potentially Shared

- IP address and device data
- Pages visited including page names and time spent
- Referring URLs
- Session-level behavioral signals

Real World Impact

- Tracking technologies collect detailed user data
- Third parties receive that data
- This data transfer is not visible to users
- Financial intent exposed
- Data was sold and used for targeting
- User lost control of their own data despite opting out

DEFENSE

Fictitious Financial's Response

- CMP implemented in good faith
- Reviewed by legal and IT teams
- No confirmed user harm
- Complex ecosystem challenges

Technical Framing

- Not all data transfer is tracking
- Some transmission is required
- Pixels may not activate fully
- Evidence does not confirm misuse

CROSS-EXAMINATION

What Must Be Answered

Prosecution

- How do we know that this specific targeted advertising is related to Fictitious Financials?

Defense

- Do users really understand what “Reject all cookies” really mean?
- How do you draw the line between what is necessary and what needs consent?

What This Case Tests

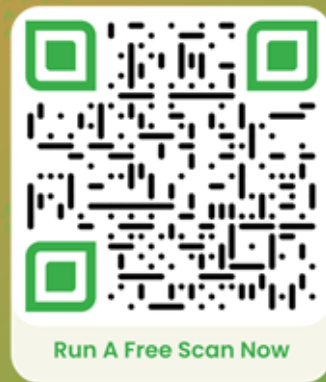
- Gap between consent and execution
- Limits of CMP-based approaches
- Responsibility for real behavior
- Standard for enforcement proof

TIME TO VOTE



LIABILITY or **NO LIABILITY?**

How do Plaintiff Attorneys and Regulators View Your Site?



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