

# Avoiding the Enforcement Crosshairs of Cross-Device Tracking

Alysa Z. Hutnik

December 4, 2016



The Digital Advertising Alliance (DAA) [recently announced](#) that enforcement of its guidance on cross-device tracking (the “[Application of the DAA Principles of Transparency and Control to Data Used Across Devices](#)”) is set to begin on February 1, 2017. Originally published in November 2015, the guidance was intended to clarify how the DAA’s Core Principles of notice and choice should be applied to cross-device tracking.

*And for those of you that have not through the guidance recently...or at all... here is a quick summary:*

**Transparency:** *The privacy policy must disclose the fact that data collected from a particular browser or device may be used with another computer or device that is linked to the browser or device on which such data was collected, or transferred to a non-affiliated third-party for such purposes. The notice should also include a clear and prominent link to a disclosure that either (1) links to the industry-developed website or choice mechanism that provides the consumer with choices over these practices, or (2) individually lists the third-parties that are engaged in cross-device tracking.*

**Consumer Control:** *Consumers must have the ability to exercise choice (i.e., an opt-out mechanism) concerning cross-device tracking.*

Although the DAA published the guidance last year, it has delayed enforcement to allow companies time to come into compliance. The guidance on cross-device tracking will be independently enforced by the Council of Better Business Bureaus (CBBB) and the DMA (formerly the Direct Marketing Association), which provide ongoing independent oversight of the DAA Principles.

**What does this mean for you?** If you are actively engaging in cross-device tracking, or have implemented beacons or other technologies that permit cross-device tracking to occur on your website or app, be sure that your privacy policy and other public-facing materials provide consumers with appropriate notice and choice about your cross-device tracking practices.