

NAI Releases 2012 Compliance Report for Online Behavioral Advertising

February 7, 2013

On February 7, 2013, the Network Advertising Initiative (“NAI”) released its [2012 Annual Compliance Report](#) addressing member organizations’ adherence to the [NAI Code](#). The NAI Code is one of the leading industry self-regulatory codes of conduct governing online behavioral advertising (“OBA”) for third party digital advertising companies (such as advertising networks).

The 2012 Compliance Report indicates that the NAI and its members:

- Educate consumers about OBA and their choices
- Provide notice about each member’s OBA practices on the member’s site and on the sites where data is collected for OBA purposes
- Disclose the collection of health-related information
- Maintain opt-out mechanisms so users can elect not to receive OBA
- Require opt-in consent mechanisms for the use of sensitive consumer information
- Deliver OBA without the use of individuals’ personally identifiable information (“PII”)
- Do not specifically target OBA to children under age 13
- Use collected data only for marketing purposes
- Implement standards and restrictions on data retention, security, and transfer

The NAI also indicated that it will develop guidelines on the collection and use of data on mobile devices and use of mobile tracking technologies.

Online behavioral advertising continues to receive attention from regulators such as the Federal Trade Commission. Companies that engage in OBA should continue to ensure that they work with partners that comply with appropriate self-regulatory programs.