

# Engage with policy - Europe paving the way to a data-driven economy

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The devil is in the details, we need fifty shades of grey in the legislation.

## Pseudonymous Data

My main thought after attending the IAB Europe event on privacy legislation in the EU? I am very happy to announce we have two new words to add to our digital marketing glossary, pseudonymous data.

<http://www.dqna.com/nl/knowledge-center/glossary.html>

On 19 February 2013 IAB Europe organised an event in Brussels for the first time, named "Engage with Policy". The event provided an open top level platform to discuss the draft data protection review, its impact on European business, potential policy options and the importance of data-driven advertising and research for publishers and the European economy. In January 2012, the European Commission presented a proposal for a regulation in order to harmonise data protection in Europe.

IAB Europe brought together top business executives and experts, government representatives, policy makers and NGO's to debate on the proposed data protection reforms and advocate industries' objectives.

The choice for Brussels as a meeting place was no coincidence. Several MEP's (Member of European Parliament) and staff from the commissioner's office could attend. An opinion heard during the cocktails at the end of the day was that it was unfortunate that the MEP's and commissioner officers weren't able to attend the rest of the event and listen in on the other panel discussion. It would have helped them getting the facts straight about the draft data protection review and the impact on European business Data-driven advertising.

## The industry needs to provide more transparency

The opening key note speech was made by Wolf Osthaus. Dr. Wolf Osthaus is Head of Corporate and Regulatory Affairs at United Internet AG, one of Germany's leading Internet companies. He gave a speech that we could easily translate to a white paper how we would like the regulatory magna carta to adopt it. Also coming from Germany gave him leverage to address the privacy issue. Germany was named several times a country that already has great digital privacy legislation implemented. What we still need to do as an industry is to provide more transparency about OBA (online behavioral advertising). At the same time, the consumer must be beware of the surplus of tailored digital advertisements. The potential disposal of free services is at risk if the EU regulations come into place. And the economic impact of it will be great. We will adapt to framework across Europe. The main question is how will we react to regulation? Consent given by the consumer must be defined. What is personal data? For example, in Germany the opt-out option works well. But non personal data, or pseudonymous data as we call it, must be accepted. Companies need a economical incentive to apply to the regulations. If not you will see digital marketing companies fishing for data which will then be personalised.

Another possible implication of the current directive will be that only registered users are able to approach the content of websites, and when doing so their data will be used. A closed platform is what resulted in the Netherlands, with implementation of the ePrivacy directive.

## Strict European regulations will hinder business

During the day there were three panel discussions. It was good to see that MEP's and leaders of the digital media industry agree on several subjects. It was very important to get a single rule across the European nations. This method was named pseudonymous data. Dick Molman, CEO of Sanoma Media expressed his concern: "Strict European regulations will hinder business." Ruud Wanck of GroupM said that the devil is in the details, and that there is no easy way looking at data. He sees three different types of data; anonymous, personal and pseudonymous data. Tom Bowman from the BBC also added to this statement that digital marketers are not interested in who consumers are, but what they do.

## **Fuelling the European Internet and Protecting Users - Dream or Reality?**

Dr. Alexander Dix, a member of the Art. 29 Working Party of European Data Protection Supervisory Authorities, joined for the second panel discussion with the appealing theme: "Fuelling the European Internet and Protecting Users - Dream or Reality?" With his background in German data protection law, he was outspoken on the fact that an IP address should be counted as personal data and that the industry should tackle the problem of defining 'profiling'.

## **Customisation - offering users what they really want and finding the right policy response**

It was very good to have the consumer organisation attending the two last panel discussions. Sumedha Patah posed the questions; Is online privacy always a trade off? Can you say it is convenience versus privacy?

Giving the consumer more transparency about where their data is being used, for example outside digital marketing, will give them a better understanding. The consumer in her opinion knows that the Internet is not free.

This last panel discussion was also attended by MEP Mrs. Adina-Ioana Vallean. She is Vice-Chairwoman of the ALDE group in the European Parliament. As a politician, Mrs. Valean is innovative in structure, scope and philosophy. Her take on European issues is considered progressive and daring. She believes in an efficient piece of legislation that protects privacy without being directed against the industry. She proved her reputation to be right by giving her support to the implied consent option. Mrs. Valean thinks implied consent is also in the benefit of the consumer. She even made a quick comparison between the failed ACTA legislation. She sees the same mistake being made within the draft of data protection, the one-size-fits-all mistake.

## **Shades of grey**

The draft data protection review has a big potential impact on European business. The proposed new legal framework for the protection of personal data in the EU needs further detailing. Or, as Dr. Alexander Dix put it, we need more shades of grey in the legal framework to make the implementation possible across Europe. Let's hope the European Parliament do their best to get these details together and implement implied consent as a standard.



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