

Anthony Katsur  
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7<sup>th</sup> Floor  
New York  
United States

8 June 2022

### **“Global Privacy Platform”**

Dear Mr Katsur,

1. We note that on 1 June you published the “Global Privacy Platform” (GPP) specification. The accompanying press statement says the GPP “enables advertisers, publishers and technology vendors in the digital advertising industry to adapt to regulatory demands across markets”.<sup>1</sup>
2. The specification document says that the GPP “builds on the TCF v2.0 concept of a “TC String””.<sup>2</sup>
3. You will note that 28 EU data protection authorities, led by the Belgian Data Protection Authority as the leading supervisory authority in the GDPR’s one-stop-mechanism, found that IAB Europe commits multiple violations of the GDPR, including in the context of its “Transparency and Consent Framework” (TCF).<sup>3</sup> That landmark decision found that the TCF consent system infringes the GDPR in a multitude of ways:
  - i) TCF fails to ensure personal data are kept secure and confidential (Article 5(1)f, and 32 GDPR)
  - ii) TCF fails to properly request consent, and relies on a lawful basis (legitimate interest) that is not permissible because of the severe risk posed by online tracking-based "Real-Time Bidding" advertising (Article 5(1)a, and Article 6 GDPR)
  - iii) TCF fails to provide transparency about what will happen to people’s data (Article 12, 13, and 14 GDPR)
  - iv) TCF fails to implement measures to ensure that data processing is performed in accordance with the GDPR (Article 24 GDPR)
  - v) TCF fails to respect the requirement for data protection by design (Article 25 GDPR)
  - vi) International transfers of the data do not provide adequate protection (Article 44, Article 45, Article 46, Article 47, Article 48, Article 49).<sup>4</sup>

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<sup>1</sup> “GPP Streamlines How Technology Makes Sense Of Choice, Transparency & Consent By Providing An Adaptive Framework That Puts The Consumer At The Center”, IAB TechLab, 1 June 2022 (URL: <https://iabtechlab.com/press-releases/iab-tech-lab-unveils-global-privacy-platform/>).

<sup>2</sup> Global Privacy Platform”, IAB TechLab, June 2022 (URL: [https://iabtechlab.com/wp-content/uploads/2022/06/global\\_privacy\\_platform\\_rfc\\_june\\_2022.pdf](https://iabtechlab.com/wp-content/uploads/2022/06/global_privacy_platform_rfc_june_2022.pdf)), p. 3.

<sup>3</sup> Decision on the merits 21/2022 of 2 February 2022, Case number: DOS-2019-01377, Concerning: Complaint relating to Transparency & Consent Framework (URL: <https://www.gegevensbeschermingsautoriteit.be/publications/beslissing-ten-gronde-nr.-21-2022-english.pdf>)

<sup>4</sup> *ibid.*, paragraph 490.

4. Citing the TCF's "systematic deficiencies",<sup>5</sup> the decision found that "the processing operations carried out on the basis of the OpenRTB protocol are not in accordance with the basic principles of purpose limitation and data minimisation".<sup>6</sup>
5. In addition, the 28 European data protection supervisory authorities stated in their decision that:

"the TC String plays a pivotal role in the current architecture of the OpenRTB system. Thereby, the TC String supports a system posing great risks to the fundamental rights and freedoms of the data subjects, in particular in view of the large scale of personal data involved, the profiling activities, the prediction of behaviour, and the ensuing surveillance of data subjects."<sup>7</sup>
6. We also particularly draw to your attention that the decision also stated that "**consent is not a valid basis for the processing operations in the OpenRTB facilitated by the TCF**".<sup>8</sup>
7. You emphasise that the GPP "builds so heavily upon TCF v2.0 technical design".<sup>9</sup> It should therefore be inescapably clear to you that the GPP is no more viable in the European Economic Area than the TCF. Nor can it be viable in any jurisdiction that has analogous provisions to any Article cited above, in paragraph 3. Therefore, we will be obliged to take legal action if you persist.
8. For completeness, we also note that the 36 bit "Datetime" variable in the TC String specification is a decisecond timestamp.<sup>10</sup> We note also that the TC String is intended to be communicated over OpenRTB.<sup>11</sup>

Yours sincerely,



Dr Johnny Ryan FRHistS  
Senior Fellow, ICCL

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<sup>5</sup> *ibid.*, paragraph 546.

<sup>6</sup> *ibid.*, paragraph 429.

<sup>7</sup> *ibid.*, paragraph 545.

<sup>8</sup> *ibid.*, paragraph 495.

<sup>9</sup> "Global Privacy Platform", IAB TechLab, June 2022 (URL: [https://iabtechlab.com/wp-content/uploads/2022/06/global\\_privacy\\_platform\\_rfc\\_june\\_2022.pdf](https://iabtechlab.com/wp-content/uploads/2022/06/global_privacy_platform_rfc_june_2022.pdf)), p. 8.

<sup>10</sup> *ibid.*, p. 8.

<sup>11</sup> *ibid.*, p. 3.