smaato

GDPR Consent Page Pop-up and Dialog: Suggestions & Tips

Disclaimer: This document is intended for general information purposes only and does not constitute legal advice. Smaato is merely providing this document as a series of suggestions to assist our publisher partners. Please consult your individual legal representatives regarding the legal validity of any suggestions contained herein.

GDPR Overview

The EU General Data Protection Regulation (GDPR), effective as of May 25, 2018, strengthens the protection of personal data associated with end-users located in the European Economic Area (EEA) and Switzerland. This affects the in-app and mobile web advertising industry on a large scale. As scary as the regulation might seem for advertisers and publishers,

> the GDPR provides great opportunities for those partners who are willing to take a proactive approach.

For example, proactive advertisers and publishers will have the opportunity to leverage their GDPR-compliant programs and attract new business as a result. In this way, the GDPR should be seen as more of an opportunity than a misfortune or hurdle. However, in order to achieve such GDPR-compliant programs, advertisers and publishers must be willing to implement new processes, including a process for obtaining informed, specific, freely given, and unambiguous consent from end-users to process their personal data. For more information regarding the GDPR generally, its direct effects, and Smaato's approach to GDPR compliance, please check out our GDPR webpage.

Purpose of This Document: Creating a Consent Request Dialog

The purpose of this document is to provide our publisher partners with a series of suggestions regarding the language that is presented to end-users when obtaining their consent. When it comes to the consent request language itself, it is important to consider the following:

> For what purpose or purposes are you requesting consent?

Is it for Information Storage and Access, Ad Selection, and/or Personalisation, etc. If you are not collecting or otherwise using end-user personal data for any purposes related to providing personalised advertisements, a consent request may not be necessary. However, if you are accessing end-user devices or otherwise providing non-contextual ads, a consent request will likely be required and is strongly encouraged.

While obtaining GDPR-valid consent from end-users may seem challenging, we at Smaato have put together some helpful suggestions of various consent request dialog languages that we feel can make the experience more user-friendly and informative.

But don't forget, these are just general suggestions and should not be treated as legal advice. Each company's processing activities vary, so please ensure that you consult your own legal representatives before making any GDPR-related decisions.

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What Are The Benefits of Gaining Consent?

At Smaato, we are doing our part to be compliant with the GDPR and have been actively working with all of our partners to help update data privacy standards across the industry. In light of the GDPR, many companies must now change their approaches to data privacy and protection. For the advertising-technology industry, one of the most impactful changes implicated by the GDPR involves end-user consent.

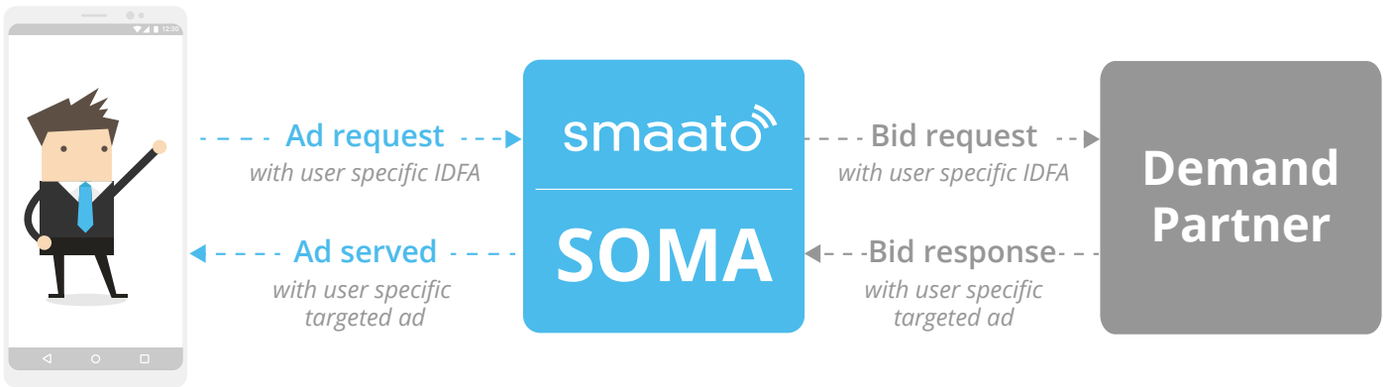
For example, many of our publisher partners provide free-to-use mobile apps and therefore rely mainly on the selling of ad-spaces within their apps as their primary monetisation mechanism.

> Obtaining GDPR-valid consent from end-users is an essential step towards maximising revenue,

as it allows publishers to serve interest-based, personalised, and non-contextual ads. These ads are individually tailored to specific end-users and provide for a more relevant, high-value in-app experience. As such, end-users are typically more interested in and more likely to interact with such personalised ads. Additionally, advertisers are often willing to pay more for them. Absent GDPR-valid consent, contextual only, non-personalised ads will still be served, which will likely hinder potential revenues and prevent publishers from providing a personalised end-user ad experience.

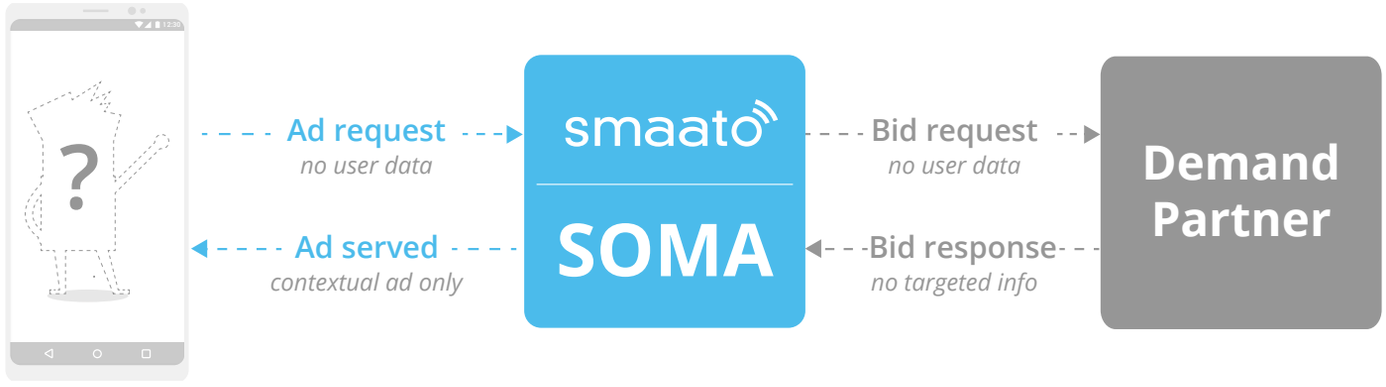
Ads Sent With Valid End-User Consent

User-specific targeted ads | Increased chance of user interaction | Higher eCPMs



Ads Sent Without Valid End-User Consent

Only contextual ads | Decreased chance of user interaction | Lower eCPMs



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What Types of Personal Data Are Important for Increasing Ad Revenues?

In general, the advertising-technology industry is focused on the types of end-user personal data that are critical for the monetisation of high-value, personalised mobile web and in-app advertising. If you collect or otherwise use end-user personal data (e.g., Advertising ID, IP address, or Geolocation) for the purposes of providing personalised advertisements, including accessing the end-user's device, it is your duty to inform your end-users of such uses and to obtain the associated GDPR-valid consents from such end-users. Below are the three main types of personal data that are often used and relied-upon by our partners to serve personalised ads in order to increase advertising revenue.

Important Types of Personal Data Affected by the GDPR:

Advertising ID
(IDFA/Google Ad ID)

Internet Protocol
Address (IP)

Geolocation
(GPS-based or IP-based)

Smaato supports the IAB Europe's GDPR Transparency & Consent Framework, which is designed to help all parties in the digital advertising chain ensure that they comply with the GDPR when processing personal data or accessing personal data on end-user devices.

As part of our commitment to the Framework, we support (and helped develop) the IAB GDPR in-app consent tool, a technical solution to the challenge of obtaining and disseminating consumer consent to the various parties relying on it as a legal basis of processing personal data.

This consent tool provides an effective approach to requesting consent from end-users, while simultaneously providing end-users, through reference to the Global Vendor List, with the type of notice and transparency arguably contemplated by the GDPR. As such, we strongly encourage each of you to integrate this consent tool into your apps. When you integrate your apps with the latest version of the Smaato SDK, you will automatically be provided with access to this IAB GDPR in-app consent tool, including the IAB-default consent request dialog language.

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Main Consent Page Pop-up and Dialog

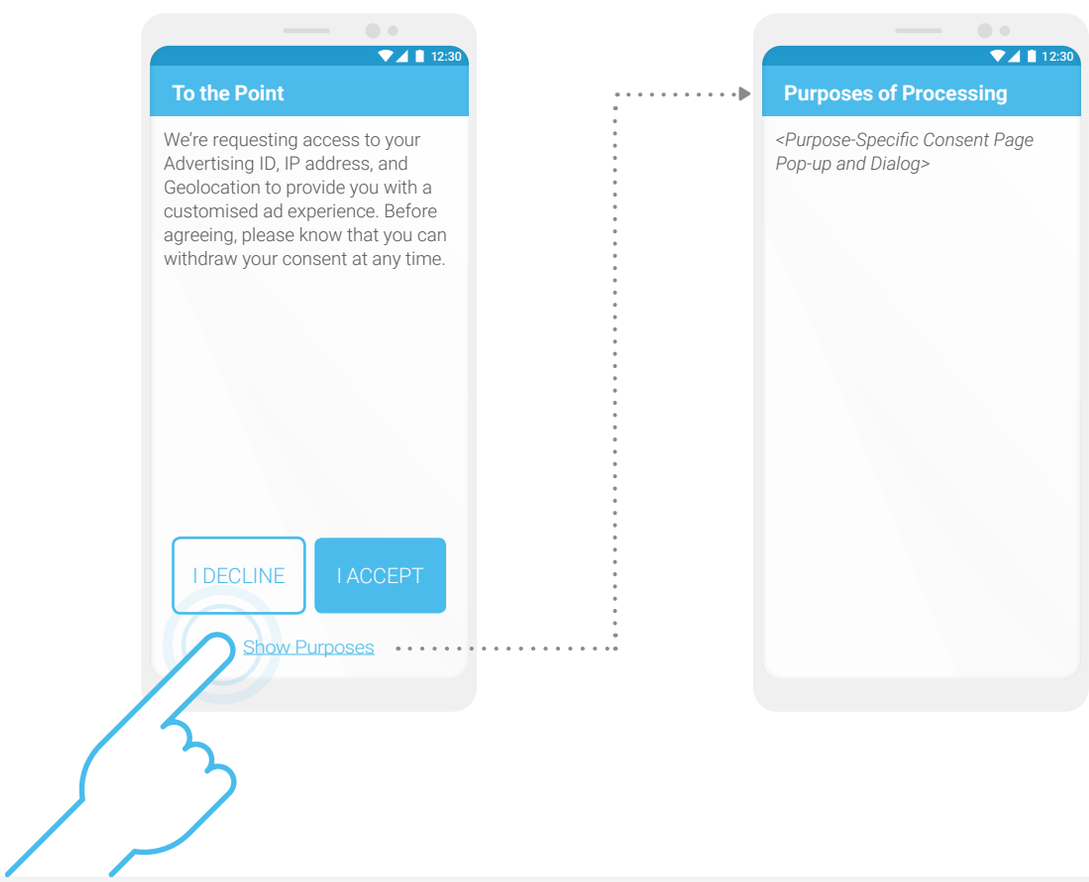
The main, initial consent page of your consent pop-up screen is arguably the most important page, as it is the first thing end-users will see when using your app. This main consent page will be your initial chance to obtain end-user consent. There are two primary goals of such a main consent page:

1. to provide end-users with transparency and notice regarding the intended uses/purposes of their personal data; and
2. to obtain the associated consent from end-users to process their personal data for such uses/purposes.

When deciding what language to include in this main consent page, you must balance end-user experience against the GDPR's requirement that consent must be informed, specific, freely given, and unambiguous. For example, a lengthy and clunky main consent page may deter end-users and result in reduced levels of consent. On the other hand, a main consent page that has overly concise and brief language risks running afoul of the GDPR's consent requirements.

On the following pages, we've provided some sample language for the main consent page and purpose-specific pop-up page that you may consider when implementing your consent page pop-up and dialog. These language samples are separated into different categories based on the intended approach of the publisher (e.g., "To the Point", "Quick Detail", or "Personal and Friendly").

NOTE: *We strongly suggest that you include a "Show Purposes" button on your main consent page that links to the purpose-specific consent pages, as shown below. For more information on these pages, please see the following section titled "Purpose-Specific Consent Page Pop-up and Dialog".*



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Purpose-Specific Consent Page Pop-up and Dialog

Aside from the main consent page, you may also want to consider allowing end-users to access a more granular list describing the various purposes for which you collect and process their personal data. You can provide a link on your main consent page that allows end-users to access this more granular, purpose-specific list.

> This purpose-specific consent page allows end-users to opt-in and consent to the processing of their personal data on a per-purpose basis.

Under IAB Europe's GDPR Transparency & Consent Framework, there are currently five separately listed purposes of processing, including:

1. information storage and access;
2. personalisation;
3. ad selection, delivery, reporting;
4. content selection, delivery, reporting; and
5. measurement.

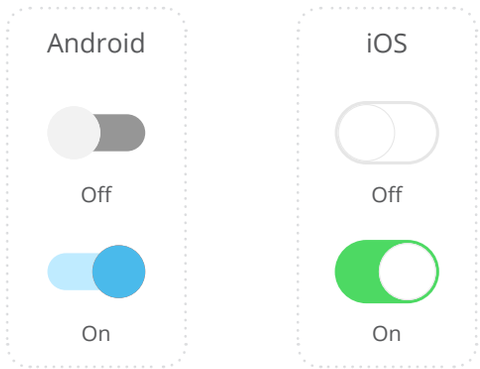
On the following pages, we have provided you with a sample of various purpose-specific consent page languages that you may consider using.

NOTE: *We strongly suggest that you include a "Show Partner List" button on the purpose-specific consent pages, as shown in the examples. This button links to your partner list and allows end-users to view the advertising partners that may also be processing their personal data. We also suggest that, through this link, you allow end-users to opt-in/out of processing on a per-partner basis.*

Important Note About Toggles and Switches

In regards to the toggle switches included in some of our examples, we strongly suggest to have the switches or buttons turned OFF by default. This helps ensure that consent is unambiguous, as required by the GDPR.

Here, you can see an example of consent toggles with plain grey or white color when switched OFF and with highlighted colors when switched ON:



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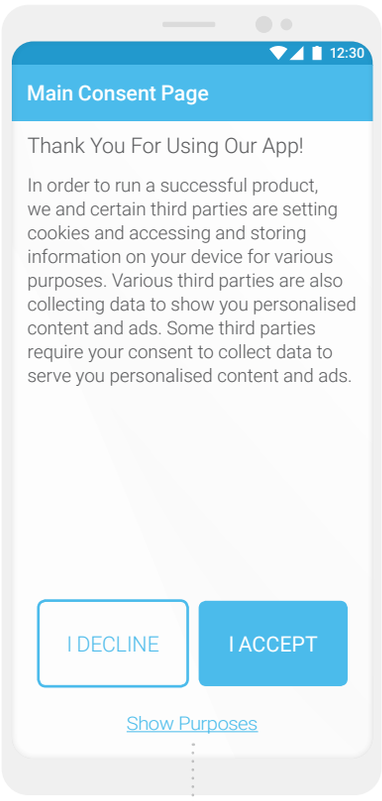
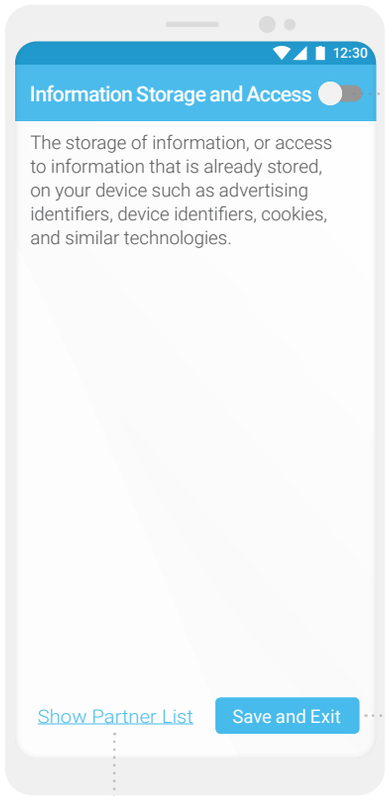
IAB Default Dialog Language

The IAB provided default language for the consent pop-up pages. Below are examples for the main consent pop-up page and the purpose-specific consent pages. You can adopt these dialog options for your own consent pop-up forms or use your own dialog language, but always remember to make the language unambiguous.



Main Consent Page

For the main consent pop-up page, the IAB provided language that provides an overview of the type of personal data that requires user consent.



Default set to 'OFF'

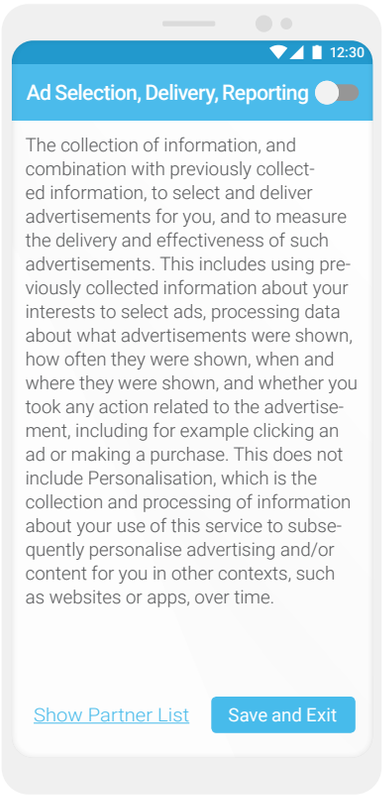
Information Storage and Access

For the information storage and access consent, the IAB suggests this straightforward message.

Links directly to purpose-specific consent pages

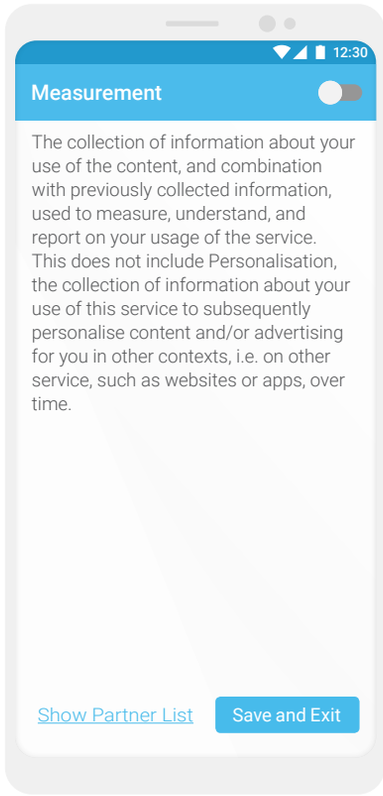
End-users can save the preferences they've set and exit.

Direct link to the full list of partners



Ad Selection, Delivery, Reporting

The IAB consent dialog for ad selection, delivery and reporting category is especially detailed.



Measurement

When seeking consent for measurement, the IAB recommends publishers use this language.

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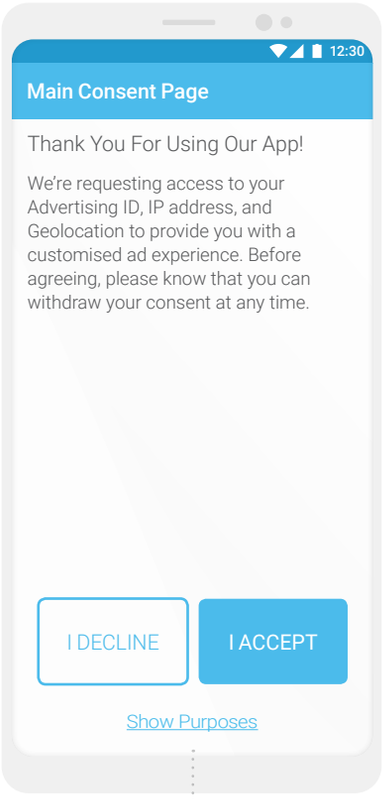
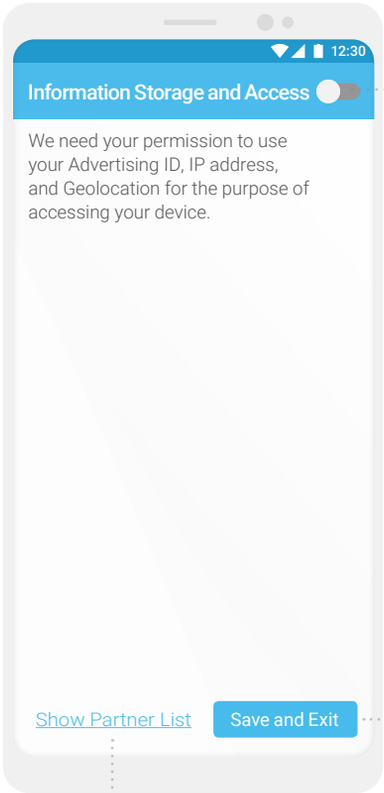
To the Point

Today's app users are often on the go and might not be interested in reading a long, complex message about consent. Depending on your audience, it might make sense to get directly to the point. But don't forget, always balance end-user experience against the GDPR's consent and notice requirements when choosing language!



Main Consent Page

The main consent page is one of the first screens that a user sees when using an app. This message quickly provides key information.



Default set to 'OFF'

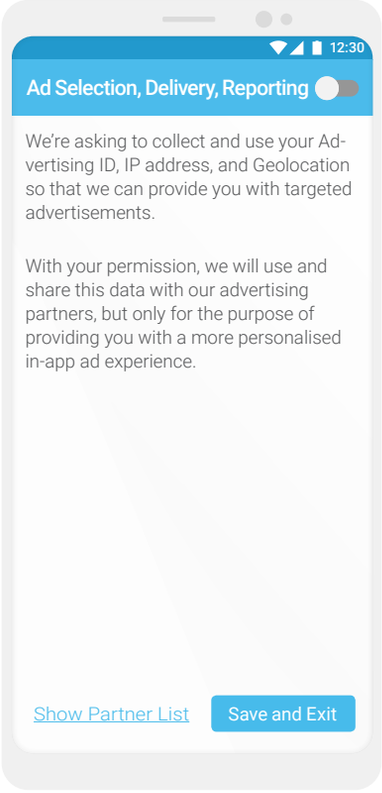
Information Storage and Access

When seeking consent for information storage and access, this message explains to the user the exact data stored and accessed.

End-users can save the preferences they've set and exit.

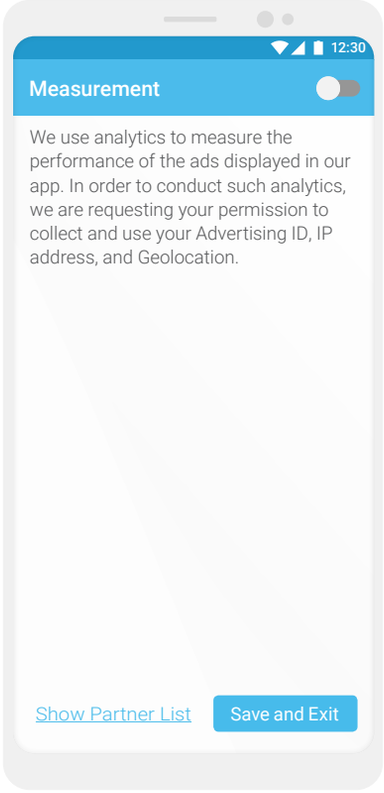
Direct link to the full list of partners

Links directly to purpose-specific consent pages



Ad Selection, Delivery, Reporting

This is an important consent option which clearly conveys the important points to the user.



Measurement

The consent dialog for measurement plainly explains to the user how data will be used for analytical purposes.

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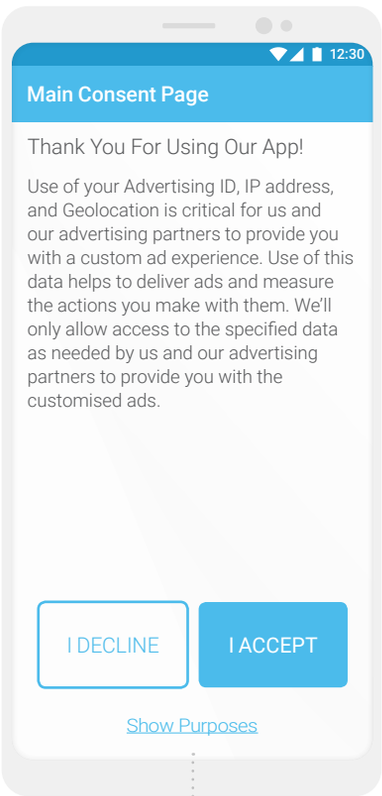
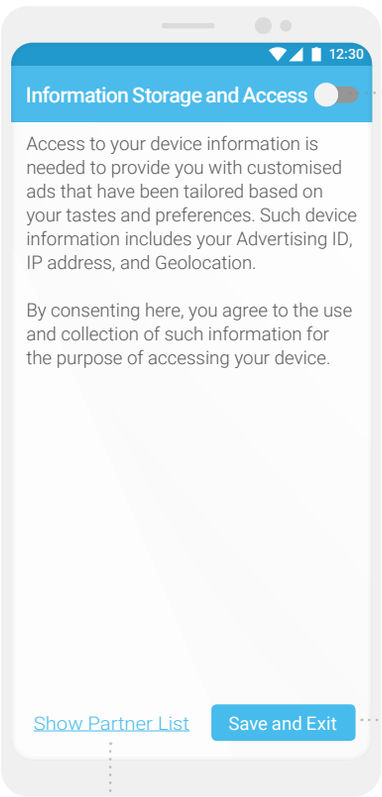
Quick Details

While being to the point results in the shortest consent dialogs, some publishers might want to provide a little more detail into the consent they're seeking. These options strike a balance between providing information and being easy to understand.



Main Consent Page

This example quickly provides the user with the most important details about consent.



Default set to 'OFF'

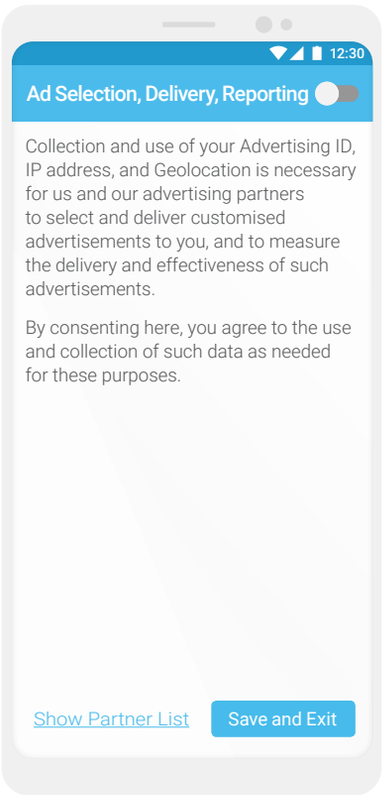
Information Storage and Access

In this example of the information storage and access dialog, the user is provided with quick details about the key information.

Links directly to purpose-specific consent pages

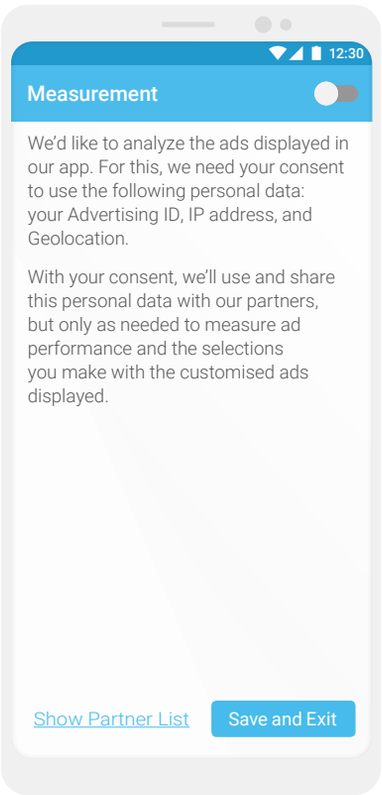
End-users can save the preferences they've set and exit.

Direct link to the full list of partners



Ad Selection, Delivery, Reporting

In this consent dialog, users are given a brief yet detailed explanation of the ad selection, delivery, and reporting in clear language.



Measurement

For this example dialog, users are first told what information will be collected and then what the information will be used for in the quickest details.

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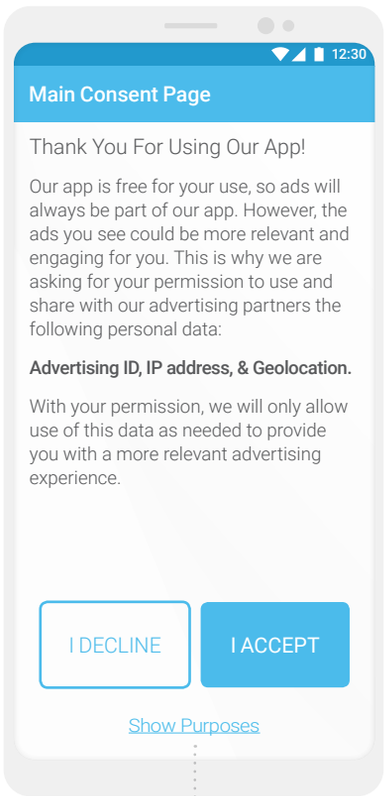
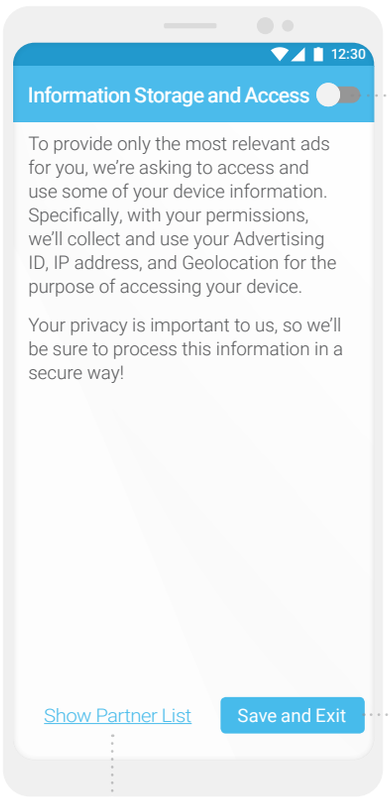
Personal and Friendly

An app's relationship with its users is important. In some cases, the relationship can be strengthened with the right kind of messaging. Some users might appreciate a personal and friendly approach, as it stands out from other consent dialogs.



Main Consent Page

Explaining up front why you're seeking consent can be very effective. This dialog option appeals directly to the users by reminding them that the app is free.



Default set to 'OFF'

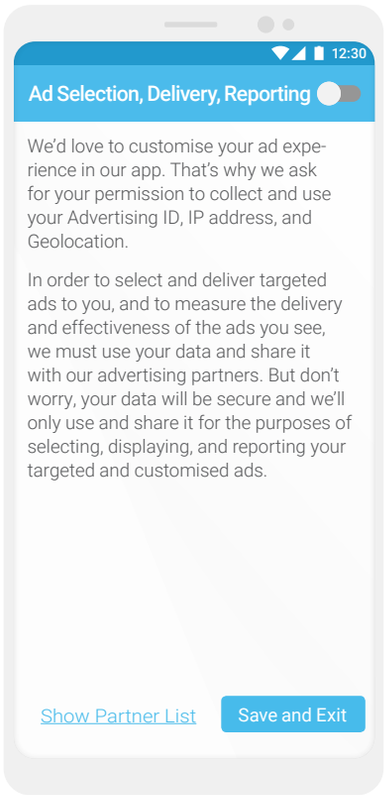
Information Storage and Access

This is a friendlier approach to the dialog. The last sentence in this example takes a personal approach that users might appreciate.

Links directly to purpose-specific consent pages

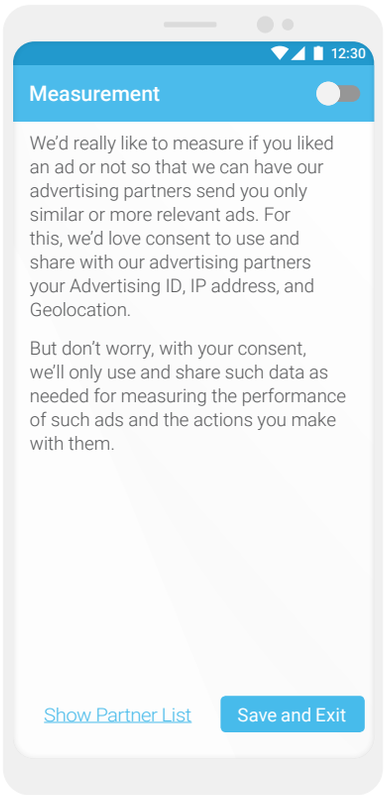
End-users can save the preferences they've set and exit.

Direct link to the full list of partners



Ad Selection, Delivery, Reporting

This dialog option explains to the user what the consent is needed for. It also provides a friendly reassurance that the data won't be misused.



Measurement

This dialog option also clearly explains what the consent is needed for, and then provides a friendly reassurance at the end.

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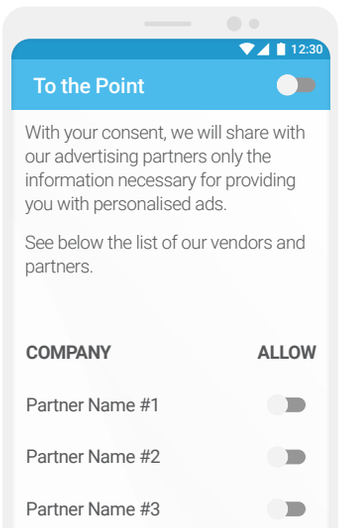
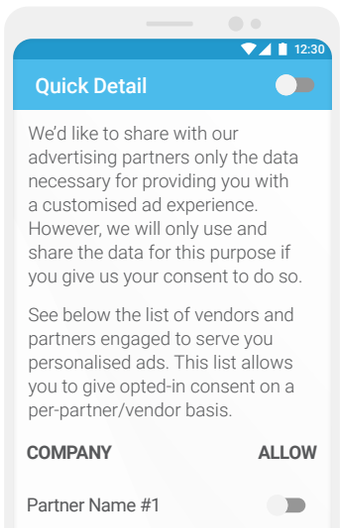
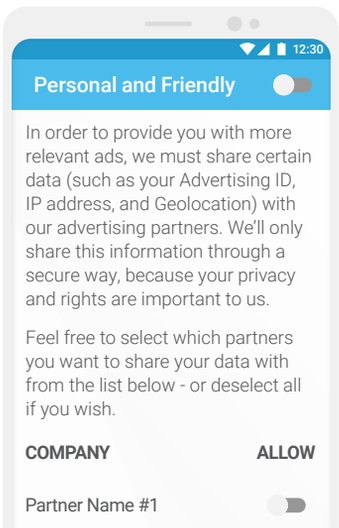
Providing a Partner List

As previously mentioned, the GDPR requires that consent be informed, specific, freely given, and unambiguous. In order to obtain consent that is informed, it is important for publishers to also provide end-users with a list of their partners who are engaged for the purposes of serving personalised ads. This list will allow end-users to know who is processing their personal data in addition to a particular publisher. Additionally, this list can be used to provide end-users with the opportunity to give opted-in consent on a per-partner/vendor basis.

Our Partners

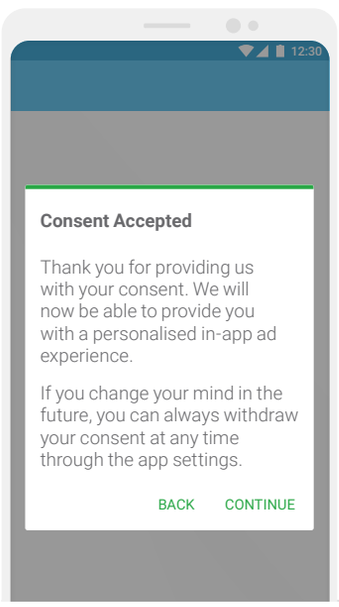


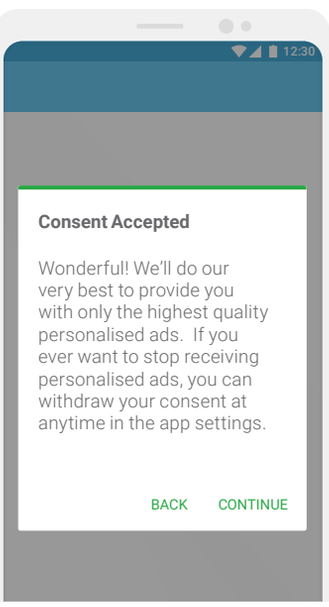


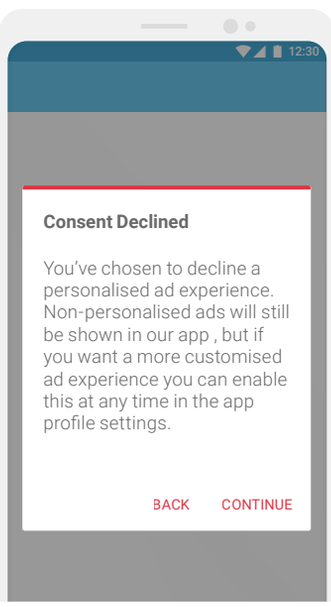


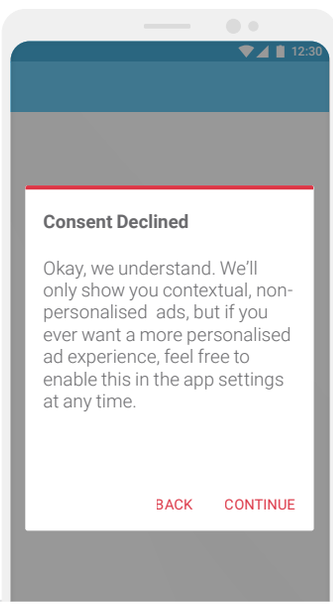
Affirmation of Consent

It might also be helpful to display these types of 'Affirmation of Consent' messages after an end-user accepts or declines the consent.









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Helpful Consent Page and Consent Language Tips

Consent request language should be **unambiguous**.

When drafting consent language to present to end-users, **balance** end-user experience against the GDPR's consent and notice requirements.

Tailor the consent language you choose to be based on the types of personal data you are collecting from end-users (e.g., there is no need to mention Geolocation data if you are not collecting such data from end-users).

If using 'opt-ins' to obtain end-user consent, **stay away from pre-selected actions** (i.e., the default should always be set to off, providing users with the choice to opt-in).

Let users know they can **withdraw** their consent at anytime.

Remember that **Smaato** is here to help!

At Smaato, we strive to provide our publisher partners with ongoing suggestions to help ease your transition into this new era of data privacy and protection. As such, we remain committed to assisting you with your GDPR and privacy compliance efforts.

For further information about the GDPR and about the integration options at Smaato, please visit our GDPR webpage or contact us at privacy@smaato.com.

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San Francisco
240 Stockton St
10th Floor
San Francisco, CA 94108
T: +1 (650) 286 1198

New York
Empire State Building
350 Fifth Avenue, Suite 4210
New York, NY 10118
T: +1 (646) 650 5030

Hamburg
Valentinskamp 70
Emporio 19th Floor
20355 Hamburg
T: +49 (40) 3480 9490

Singapore
12 Marina Boulevard, #35-01
Marina Bay Financial Centre Tower
3 Singapore 018982
T: +65 6336 6815

Shanghai
1018 Changning Road
21F Cloud Nine Plaza, Changning District
Shanghai, China 200042
T: +86 21 6263 0446

www.smaato.com