



# DMA Privacy Shield Annual Report

August 1, 2017 – July 31, 2018

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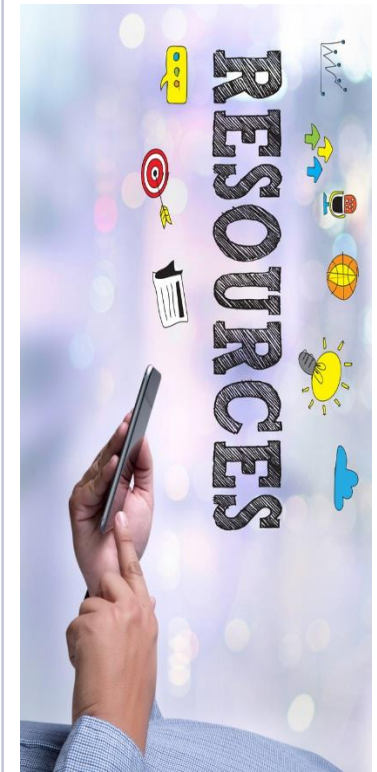
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This report covers the DMA Privacy Shield Program's activities from August 1, 2017 – July 31, 2018 including:

- Background of the Privacy Shield Framework;
- Role, responsibilities and overview of the DMA Privacy Shield Program; and
- Summary and statistics of participants and complaints received through the Privacy Shield process.

## What are the Privacy Shield Frameworks?

The EU-U.S. and Swiss-U.S. Privacy Shield Frameworks provide a set of robust and enforceable protections for the transfer of personal data outside of the EU and Switzerland.

The Frameworks provide transparency regarding what types of data participating companies collect, use, share and how they protect such personal data.

Enforcement of the Frameworks also play a key role. There is strong U.S. government oversight, U.S. independent dispute resolution services like the DMA Privacy Program and increased cooperation with data protection authorities and regulators in EU and Switzerland.

## Privacy Shield Core Principles

American companies interested in self-certification with the U.S. Department of Commerce must certify that they adhere to the seven core Privacy Shield principles and FAQs of:

- notice
- choice; security
- accountability for onward transfer
- data integrity and purpose limitation
- access
- recourse, enforcement and liability

By self-certifying adherence to these core principles, companies are indicating that they place great value on data privacy protection and will make every effort to respect

## Timeline

July 12 2016	August 1 2016	January 12 2017	April 12 2017
EU adopts EU-U.S. Privacy Shield Framework	U.S. Department of Commerce starts accepting applications for EU-U.S. Privacy Shield Framework	The Swiss Government adopts Swiss-U.S. Privacy Shield Framework	U.S. Department of Commerce starts accepting applications for Swiss-U.S. Privacy Shield Framework

European and Swiss individuals' requests regarding use of their personal information.

The Privacy Shield Framework offers EU & Swiss individuals' access to multiple avenues to address data privacy concerns regarding participants' compliance with the Frameworks.

Members can choose to select DMA as their Privacy Shield dispute resolution provider – fulfilling the enforcement principle.

DMA serves as a dispute resolution provider under both Frameworks and mediates issues involving offline and online data at no charge to consumers.

# About the DMA Privacy Shield Program

## Members-Only Benefit

[The DMA Privacy Shield Program](#) is only available to DMA & ANA Members.

Companies interested in selecting our Privacy Shield Dispute Program must submit an application which includes: signed contract, contact sheet, copy of your Privacy Shield policy statement, and annual Privacy Shield fee.

- [Membership Questions?](#)
- [DMA Privacy Shield Program Questions?](#)

## The Enforcement Principle

Under the Enforcement Principle, companies must take reasonable steps to ensure that any consumer privacy concern will be addressed by:

1. Referring consumers to its customer service department or other in-house dispute resolution program
2. Subscribing to a third-party dispute resolution mechanism to address any unresolved in-house consumer data privacy complaints (DMA is pleased to offer members this service. DMA has dedicated staff to assist/mediate complaints as well as a DMA Privacy Shield Program Committee to help mediate such disputes.)
3. Ability to seek binding arbitration, *if other steps fail*.
3. Having appropriate monitoring, verification and remedy procedures in place. See page 7 for more information.

## For members participating in the DMA Privacy Shield Program, DMA:

- Serves as a third-party dispute and enforcement mechanism for unresolved European and Swiss data privacy.
- Provides assistance and educational materials – including a staff review of the company’s Privacy Shield Policy statement.
- Provides a DMA Privacy Shield Program Mark.
- *DMA does not provide verification services.*

## Transparency

To promote clarity, accessibility and transparency, DMA requires its participating members to provide in its Privacy Shield Notice:

- company contact information,
- appropriate DMA Privacy Shield contact information
- DMA Privacy Shield logo

DMA has set-up a dedicated email address at [privacyshield@thedma.org](mailto:privacyshield@thedma.org) for an EU or Swiss consumer or business to contact us regarding a data privacy complaint.

Additionally, DMA has both [industry](#) and [consumer](#) facing websites for privacy shield compliance.

# About the DMA Privacy Shield Program

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### Resources

**Business Resources:** We provide online compliance and guidance resources regarding the Shield.

During this reporting period, we [hosted several webinars](#); developed & presented at a [GDPR/Privacy Shield workshop](#), and fielded countless emails and calls educating companies on Privacy Shield and the GDPR.

**Consumers Resources:** We provide information about what qualifies under the Privacy Shield Framework and how to file a data privacy complaint:

### Considerations

To qualify for consideration under the Privacy Shield, complaints:

1. Must originate from consumers or businesses in one of the participating EU Member States or Switzerland.
2. Must involve a data privacy concern involving transfer of personally identifiable information (name, address, email address, phone, account information, etc.) from Europe or Switzerland to the United States.
3. Must involve a participating DMA Privacy Shield Program member company.

### Role of DMA Privacy Shield Program Committee

The Committee is comprised of select experts and dedicated volunteers from our member organizations that can mediate data privacy disputes originating from Europe or Switzerland. The complaints have to involve a participating DMA Privacy Shield member company. Available sanctions:

- Correction of actions found not to be in compliance.
- Correction or deletion of inaccurate personal information.
- Reimbursement of actual, direct monetary damages incurred by the consumer.
- Removal from the DMA Privacy Shield Program.
- Revocation of the DMA Privacy Shield Mark.
- Public notification of the decision and action taken by the Committee.
- Notification to the U.S. Department of Commerce of the Committee's decision and a request for removal from the Shield Certification List(s) due to failure to comply with the appropriate Privacy Principles.
- Referral of the matter to the Federal Trade Commission or other appropriate governmental agency for enforcement action.

For over seventeen years, DMA has provided such dispute resolution services under the DMA Programs for Privacy Shield (and its predecessor – Safe Harbor).

The DMA Safe Harbor Program was created in May 2001 and transitioned to the DMA Privacy Shield Program in July 2016.

**Interested in joining the DMA Privacy Shield Program Committee or questions about the Privacy Shield Program? Contact us at: [privacyshield@thedma.org](mailto:privacyshield@thedma.org).**

# Participating Companies and Complaint Overview

## The DMA Privacy Shield Program:

- Serves 51 participating member companies. Enrollment is ongoing.
- During this reporting period, DMA received 13 inquiries through the Privacy Shield complaint process.
- 5 complaints eligible under Shield.
- All complaints and inquiries received against participating DMA members, and including American complaints, were forwarded promptly to the appropriate participant contacts and have been addressed. (See charts on following pages.)

Origin	Complaint	Comments	Resolution
U.S.	Typo in email promotion	Not involving EU or participating DMA company.	1 day.
U.S.	Deletion request	Sent info about DMAChoice – U.S. mail suppression service.	2 days.
U.S.	Online security or hacking concerns	Not involving EU or participating DMA company.	1 day. (responded to consumer)
U.S.	Opt-out of all online ads	Provided info about DAA opt-out program.	1 day.
U.S.	Refund issues	Not involving EU or participating DMA company.	30 days. (responded to consumer)
U.S.	Email unsubscribe	Didn't want to provide email to opt-out.	1 day. (responded to consumer)
U.S. – Swiss Resident	Address removal	Not involving any participating companies. Referred to Swiss Authorities.	10 days.
Germany	Domain issues – unclear	Didn't specify company and didn't respond to request for more info (ineligible for Shield).	1 day. (responded to consumer)

# Privacy Shield: Eligible Complaints

## The DMA Privacy Shield Program:

Origin	Complaint	Comments	Resolution
UK	Email removal	Participating company resolved.	2 days.
Spain	Spanish Intellectual Property Commission contacted company regarding registering its online advertising services	<i>* Company collects aggregate user website visitor data – does not serve content.</i>  <i>Spanish Commission accepted/resolved matter.</i>	2 days.
France	Wanted online picture removed	Participating company complied with request.	2 days.
Netherlands	Email removal	Participating company complied with request.	1 day.
Spain	Spanish Intellectual Property Commission contacted company regarding registering its online advertising services	<i>* Company collects aggregate user website visitor data – does not serve content.</i>  <i>Spanish Commission accepted/resolved matter.</i>	9 days.

# How to Submit a Complaint Under Privacy Shield | PRIVACY SHIELD PROGRAM

## CONTACT THE ORGANIZATION

Consumers who have a data privacy concern should first try to contact the company directly. The contact information can be found in the company's privacy policy or you can search for the organization's name on the [Privacy Shield List](#) and locate it that way. The organization must respond to your complaint within 45 days.

## CONTACT THE FREE INDEPENDENT RESOURCE MECHANISM (LIKE DMA)

If your inquiry is not addressed by contacting the organization directly, then you can contact the organization's independent recourse mechanism, [like DMA](#).

You can locate who the company selected as their recourse mechanism, by finding it within their privacy policy or on the Privacy Shield List.

## CONTACT YOUR DATA PROTECTION AUTHORITY (DPA)

You can always submit a complaint directly to your [local DPA](#) or the [Swiss Federal Data Protection and Information Commissioner](#). Your DPA or the Swiss Commissioner may refer your complaint directly to the U.S. Department of Commerce on your behalf.

The U.S. Department of Commerce's Privacy Shield Team will work with the organization and complainant to seek to resolve the concern.

## INVOKES BINDING ARBITRATION

If your complaint is not resolved after following the steps above, you may have the ability to invoke [binding arbitration](#).

## CONTACT THE APPROPRIATE U.S. ENFORCEMENT AUTHORITY

In most instances, the relevant U.S. enforcement authority is [the Federal Trade Commission \(FTC\)](#). To submit a complaint to the FTC, click [here](#). The FTC uses complaints in its database, accessible by other law enforcement agencies, to identify trends, determine priorities, and identify potential investigative targets. Please note that the FTC does not resolve or mediate individual complaints, so you are encouraged to use the other complaint resolution mechanisms noted above as well.

Qualified data privacy concerns related to U.S. and foreign air carriers, can be [submitted to the U.S. Department of Transportation \(DOT\)](#).



# DMA Resources for Responsible Marketing

## DMA GUIDELINES AND INDUSTRY COMPLIANCE RESOURCES

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- DMA Guidelines for Ethical Best Practice: [thedma.org/Guidelines](https://thedma.org/Guidelines)
- DMA Data Standards 2.0: [thedma.org/DataStandards](https://thedma.org/DataStandards)
- DMA Ethics and Compliance Resources: [thedma.org/ComplianceResources](https://thedma.org/ComplianceResources)

## Interest-Based Advertising (IBA) Program

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- Businesses should sign up for the icon at: [AboutAds.info](https://AboutAds.info)
- Consumers can submit their opt-out requests at: [youradchoices.com](https://youradchoices.com)
- To file an interest-based ads complaint: <https://thedma.org/accountability/file-a-complaint-unwanted-online-ad/>

## CONSUMER COMPLAINT AND COMPLIANCE RESOURCES

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- DMA Consumer Help: [thedma.org/ConsumerHelp](https://thedma.org/ConsumerHelp)
- DMA Choice – consumer mail management service: [DMAChoice.org](https://DMAChoice.org)
- DMA’s Consumer Complaint Handling Process: <https://thedma.org/resources/consumer-resources/>
- To file a general ethics complaint: <https://thedma.org/accountability/file-ethics-general-complaint/>
- Questions about guidelines/business ethics: [ethics@thedma.org](mailto:ethics@thedma.org)
- DMA Complaint Services: [thedma.org/FileComplaint](https://thedma.org/FileComplaint)

## DMA’S PRIVACY SHIELD PROGRAM

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- Privacy Shield: [privacyshield@thedma.org](mailto:privacyshield@thedma.org)
- For Businesses: <https://thedma.org/resources/compliance-resources/privacy-shield-guide/>
- For Consumers: <https://thedma.org/resources/consumer-resources/privacyshield-consumers/>

## CONTACT US

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