

Meeting: TCF Governance Board, Q2 Meeting

Date and Time: Tuesday 16 May 2023 at 15:00 (CET)

Venue: Virtual

Present: Christer Ljones (Schibsted Marketing Services) (Chair)

Karsten Rieke (Criteo)	Ben Humphry (Huawei)
Romain Gauthier (Didomi)	Benoit Oberle (Sirdata)
Jaakko Kuivalainen (Sanoma)	Ben Barokas (Sourcepoint)
Robert Blanck (Axel Springer)	Jochem Schlosser (Adform)
Colin O'Malley (Integral Ad Sciences)	Markus Rhul (Publicis Groupe)

Apologies:

Gareth Burkhill-Howarth (WPP)
Thomas Peruzzi (Virtual Minds)
Arne Steinmetz (RTL Group/AdAlliance)
Jean-Marc Vidal (TF1)

Board Observer:

No Board Observers attended – apologies
Leigh Freund (NAI); Conor Murray (EGTA)

In attendance:

Townsend Feehan (CEO, IAB Europe, Managing Organisation)
Ninon Vagner (Director Privacy & Compliance, IAB Europe, Managing Organisation)
Gosia Kowalska (Manager Privacy & Compliance IAB Europe, Managing Organisation)
Thomas Mendrina (Chair, TCF Steering Group)
David Weinberg (IAB Europe DSA Ads Transparency Taskforce)

Anne Goodman – Secretariat (IAB Europe)

Chair

The meeting was declared quorate.

The Chair opened the meeting reminded members of their responsibility as Board members of the TCF Governance Board for holding all TCF instances to account and ensuring that the correct process (s) are followed by the SG and MO, through independent oversight and constructive challenge (see principles of good governance [here](#)).

Action Items Q1 meeting

There were 4 action items recorded at the Q1 Board meeting

Action: MO agreed to circulate a draft of the IAB Europe Board Risk Registry related to TCF items;

Action taken: extract from the IAB Europe Board Risk Registry circulated to the Board members (Paper 4);

Action: MO agreed to advance discussion with advertisers to better understand the use case that would detail advertiser requirement of the TCF;

Pending: due to MO focus on preparations for launch of TCF v2.2

Action: MO asked to provide a brief update to the Board on work by IAB Europe's Digital Services Act (DSA) Advertising Transparency Taskforce

Action taken: following discussions with the Chair this update was added to the Q2 meeting agenda, with members of the Taskforce invited to present an overview (Agenda item 4)

Action: Secretariat agreed to draft an update to statutes of governance for Board approval (reference observer attendance and term sync with Board members);

Pending: deferred to Q2 meeting to finalise

Steering Group (SG) update (PAPER 2 09-05-23) for noting – The Chair of the SG Thomas Mendrina presented the update from the SG and its working groups (WGs) on recent TCF developments that the SG oversaw. The update circulated to the Board prior to the meeting, in line with previous reports, focused on the significant work of the TCF working groups that were supporting a new iteration of the TCF v2.2: the Policy Working Group; and the Framework Signals Working Group (FSWG).

Policy Working Group – the Chair highlighted the discussion the working group had reference Feature 5. The Board noted that a broader discussion was necessary beyond the initial discussion that had focused on the DMA highlighting the complexity of linking of identifiers.

DPA Outreach Group – the MO advised that it was actively promoting the public consultation surrounding the “e-privacy directive”

Managing Organisation (MO) update (PAPER 3 09-05-23) for noting –The CEO of the Managing Organisation, Townsend Feehan, presented the update from the MO. The update had been circulated to the Board prior to the meeting.

Vendor & CMP compliance

The MO highlighted the significant improvement in the Vendor compliance in respect to the completion of the updated and now mandatory deviceStorageDisclosure URL field and Policy URL and the number of vendors with an incorrect Policy URL.

The MO will continue to monitor and work with vendors but highlighted that the minority who are not compliant will be deleted.

Update IAB Europe DSA Ads Transparency Taskforce – David Wainberg (principal lead of the Taskforce) presented an update from the Taskforce covering the following key points.

The work of the group pertains to Articles 26 & 39 of the DSA Regulation, the articles differentiate between “very large online platforms” (VLOPs) and other platforms, specifically in timing of application and oversight of regulation enforcement. Reference timing, July 23, 2023, is the applicable date of the articles to VLOPs and February 16, 2024, for all other online platforms.

Article 26 obligations of online platforms to the user were presented as follows:

- Indication that it is an ad
- On whose behalf the ad is shown and who paid for it (if different from the advertiser)
- Parameters used to determine the recipient of the ad
- Where applicable, information on how to change the parameters

It was noted that the articles applied to online platforms (as distinct from non-platform publishers) and that there was no obligation for advertisers or ad tech intermediaries under articles 26 & 19, but that these upstream publisher partners were likely to be the source of the information required for articles 26 & 39.

The Taskforce released a draft specification internally for comment by IAB Europe members and will launch a beta release to the broader community in June 2023.

Core to the approach was the presentation of an industry solution that would provide a common approach, driving a better user experience through commonality and consistency.

Relevance to and opportunities for synergy with TCF

- The product would incorporate a “DSA applicable flag” in the bid request to ensure that it is clear to publishers that this ad request is subject to DSA
- Synergy with the TCF could be considered specifically reference consolidating the user experience of ad transparency disclosure and control
- Exploration of the relevance of the TCF purposes such as P3 & P4 (the creation and use of profiling to select personalised advertising) also P2 (use limited data to select advertising) and SF such as geolocation, building alignment with consumer choices
- Supporting a consistent user experience in relation to ad transparency, potentially with TCF CMPs offering both information disclosures and exercise of choice

The Board raised the following points following the update

Who is in scope of DSA was a key concern. What defined a platform? Could DSPs/SSPs be considered as platforms?

The Board proposed that the level of awareness of DSA by publishers is low.

The MO emphasised that the draft IAB Europe supply-chain standard under development would not “impose” that publishers who are not in-scope of the DSA law end up in-scope against their will or without their knowledge.

The Board generally agreed that a consistent user experience and user control over the ad experience was key and that possible engagement of the TCF CMP in the solution could make sense – standardisation was highlighted as being particularly important. Reliability of the information was flagged as a concern, specifically the adding of advertising parameters by various upstream partners to the bid request to enable the publisher to manage the required disclosure was highlighted as a key challenge.

The MO confirmed that the solution emanating from the Taskforce was to surface the data within the supply chain so it is available for platforms to decide how they want to make the disclosures and offer choice.

Finally the Board asked what the regulator perception of the solution has been. D. Wainberg advised that in bilateral meetings up to now, DSA regulators seem to have appreciated the early engagement by the industry in the solution and the scale of the challenge of co-ordinating the industry. Overall, the perception was positive but noted that the Taskforce had not yet had extensive engagement with the regulator community.

Next steps – the Taskforce highlighted that they would appreciate the Board’s feedback on the “beta” release and the technical applicability of the solution, specifically how the data captured in the bid response (to the bid request) can be made available on-page.

TCF draft Risk Registry (Paper 4) – Risk Management oversight presented by the MO. This followed the presentation of the registry at the Board Q1 meeting where the Board was updated on the “risk registry” tool used by the IAB Europe Board to identify and manage risk it was agreed that any items relating to the TCF would be shared with the Board for oversight and commentary.

The MO provided a summary of the “TCF Risk Registry” highlighting that this was a draft for illustrative purposes.

The Board agreed that the registry was an important operational and strategic tool. The Board suggested that a possible risk relating to TCF vendor numbers could arise because of changing requirements.

The Board also suggested that consideration of a fee increase would require greater clarity of the cost structure of the running of the TCF to ensure the fee increase was equitable.

The Board agreed that the focus on “reputation” was a key aspect of the registry.

The Board requested that more time was required by the members to consider the contents of the registry

The MO closed the discussion by asking the Board to consider the following:

- The utility of the tool
- How the Board can use the tool to exercise oversight
- Areas of risk that are not called out

Action: Secretariat to distribute the draft TCF Risk Registry (Paper 4) to the Board for further commentary, suggesting that this commentary would be timely in advance of the IAB Europe Board meeting Monday May 22, 2023.

Observers

This discussion followed on from the discussion at the Q1 Board meeting in March

- Consideration of the term of the Industry Association & National IAB observers – at the Q1 meeting the Board agreed that the statutes of governance should be amended to record that the term of the observers should align to the term of the Board members, so observers are appointed at the same time as the Board members are appointed (*Note: the term is 2 years in line with the Board*)
- Consideration of the parameters of attendance – the Board agreed that a minimum level of attendance should be required to enable good level of

engagement. It was proposed that irregular attendance that equated to missing 2 consecutive Board meetings would require the observer to step down for the remaining term. It was suggested that this applies to both the Industry Association observers and National IABs

Action: Secretariat to draft an update to statutes of governance for Board approval to be followed by presentation to IAB Europe Board for final approval

AOB

There was no other business proposed by the Board members.

Next meeting

The next meeting of the Board will be Q3 2023 and it was proposed that this should take place Tuesday September 19 – 12:00 -14:00 in person at DMExco, Koln. The Board agreed that the timing should sync with the IAB Europe Board meeting that would take place on the same day and facilitate the travel arrangements of members of the Board, who wished to travel the same day.

Close

The Chair thanked the board members for attending and for their invaluable contributions to the discussion in the meeting.

The meeting closed at 16:45 CET