

## **Meeting: TCF Governance Board**

**Date and Time: Tuesday 20 September 2022 at 10:00 (CEST)**

**Venue: DMEexo**

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

Colin O'Malley (Integral Ad Science) (Vice Chair)

Jaakko Kuivalainen (Sanoma)

Jochem Schlosser (Adform)

Romain Gauthier (Didomi)

Robert Blanck (Axel Springer)

Ben Barokas (Sourcepoint)

Arne Steinmetz (RTL Group/AdAlliance)

Benoit Oberlé (Sirdata)

Ben Humphry (Huawei)

Markus Ruhl (Publicis Groupe)

Thomas Peruzzi (Virtual Minds) - left the meeting at 11:00

Gareth Burkhill-Howarth (WPP)

### **Apologies:**

Karsten Rieke (Criteo)

### **Board Observer:**

Christie Dennehy-Neil (IAB UK)

Dorine Van Mullen (VIA)

Katharina Rieke (BVDW)

Petri Kokkonen (IAB Finland)

Luc Vignon (IAB France)

Leigh Freund (NAI)

### **In attendance:**

Townsend Feehan (CEO, IAB Europe, Managing Organisation)

Thomas Mendrina (Chair, TCF Steering Group)

Ninon Vagner (Director Privacy & Compliance, IAB Europe, Managing Organisation)

Anne Goodman – Secretariat (IAB Europe)

### **Chair**

The Chair opened the meeting welcoming the new Board members for the term 2022/24 reminding 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 principals of good governance [here](#)). The Chair also emphasised that the Board meeting is an opportunity for the MO to discuss proposals and to gather opinion on way forward, therefore it was important that the members came prepared to put ideas forward to support the MO.

### **Action Items Q2 meeting**

At the Q2 meeting, the MO agreed that it would give an overview at the next meeting of the enforcement process, including the possibility to implement differentiated procedures according to the Policy violations.

It was agreed that the meeting would discuss this item under the agenda item MO Report.

### **Steering Group (SG) update (PAPER 2 13-09-22) for noting** – Chair of 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 focused on the significant work of the DPA outreach Group where members of the SG had contributed to ConPolicy Workshop on Cookie Consent Management and had exchanged information about a reflection currently underway within a expert subgroup of the European Data Protection Board (EDPB) on the technical scope of Article 5(3) of the ePrivacy Directive, including whether receipt of an IP address might constitute access to information stored on the device. The Board had a valuable discussion on these work streams – there were no action items.

**Managing Organisation (MO) update (PAPER 3 13-09-22) 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.

The Board discussed registration on the GVL, both renewals of existing registrations and new registrations and if there was a pattern of vendor registration such from a particular place in the advertising supply chain and if there were regional distinctions. The MO suggested that publisher own and operated technologies registrations were possibly increasing. Better understanding would, it was suggested, enable a broader group of vendors to be targeted for membership.

It was agreed that the MO would provide a report on the analysis of the GVL for the Q4 Board meeting: **Action: MO**

In relation to the GVL the meeting also discussed the number of vendors that a website presented to the user for consent. Some websites present all vendors registered to ensure maximum opportunity to maximise advertising opportunities. It was agreed that the current GVL pricing facilitated easy sign-up and continued commitment to the GVL.

The MO gave an update on compliance advising that an additional head had been recruited to the team and that the plan was to recruit a second head. This would enable the MO to extend the process of vendor compliance management using the automated crawler that the MO had in place. The Board commended the MO's focus on compliance.

The observers raised that Chrome had recently adopted an approach to limit cookie duration to 400 days

**APD Ruling – Role of the Governance Board in this process** - Ninon Vagner, Director Privacy and Compliance of the MO, presented an update on the APD procedure that had been shared as an update to the SG during a recent informational call. The Board was reminded of the core workstreams of the Action Plan that had been overseen by the Policy WG and the FSWG.

The Board discussed the risk of other DPAs relying on the APD decision to bring new enforcement actions. The MO acknowledged that DPAs were free at any time to bring new enforcement actions against conduct they believe infringes the GDPR, but pointed out that any new enforcement actions would need to be supported by new investigations and could not simply rely on the APD decision, given that the Market Court found the APD decision to have been illegal in at least partially and that the questions referred to the European Court of Justice are ones the whole case hinges on..

The Board agreed that it would encourage the community, particularly media owners, to share actions that local DPAs might be initiating;

**Action: TCF Governance Board**

The MO also suggested that it would produce a paper for the Q4 Board meeting to help Board Members understand how the proposed actions in the action plan match up to the specific, formal orders contained in the APD decision and what different or additional changes to the TCF could be considered: **Action; MO**

### **Inclusion of the TCF in the GPP**

The Board Members agreed it would be useful for them to have a better understanding of GPP to better enable them to contribute to the discussion on whether and when to make the TCF accessible via the GPP String. The MO clarified that it was extremely unlikely that a user would have two TC strings because of the launch of GPP.

Due to time constraints two agenda items were not covered during the meeting and will be discussed in the Q4 meeting:

### **Broadening stakeholder engagement in TCF: the advertiser case**

- Previously the Board has brought attention to advertisers as a stakeholder group that needs greater engagement, how can the board support the MO in this area? ALL
- Is the board supportive of direct engagement with consumers? If so in what way can the board sponsor such engagement? ALL

### **Observers (closed item)**

- Consideration of the term of the observers
- Consideration of the parameters of attendance

### **AOB**

There was no other business proposed by the Board members.

**Next meeting**

The next meeting of the Board will be Q4 2022 and will take place in December.

The Board proposed that going forwards, the Board meetings should alternate between online and face-to-face. It was therefore agreed that the Q4 meeting would be online.

**Close**

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

The meeting closed at 12:00 CEST