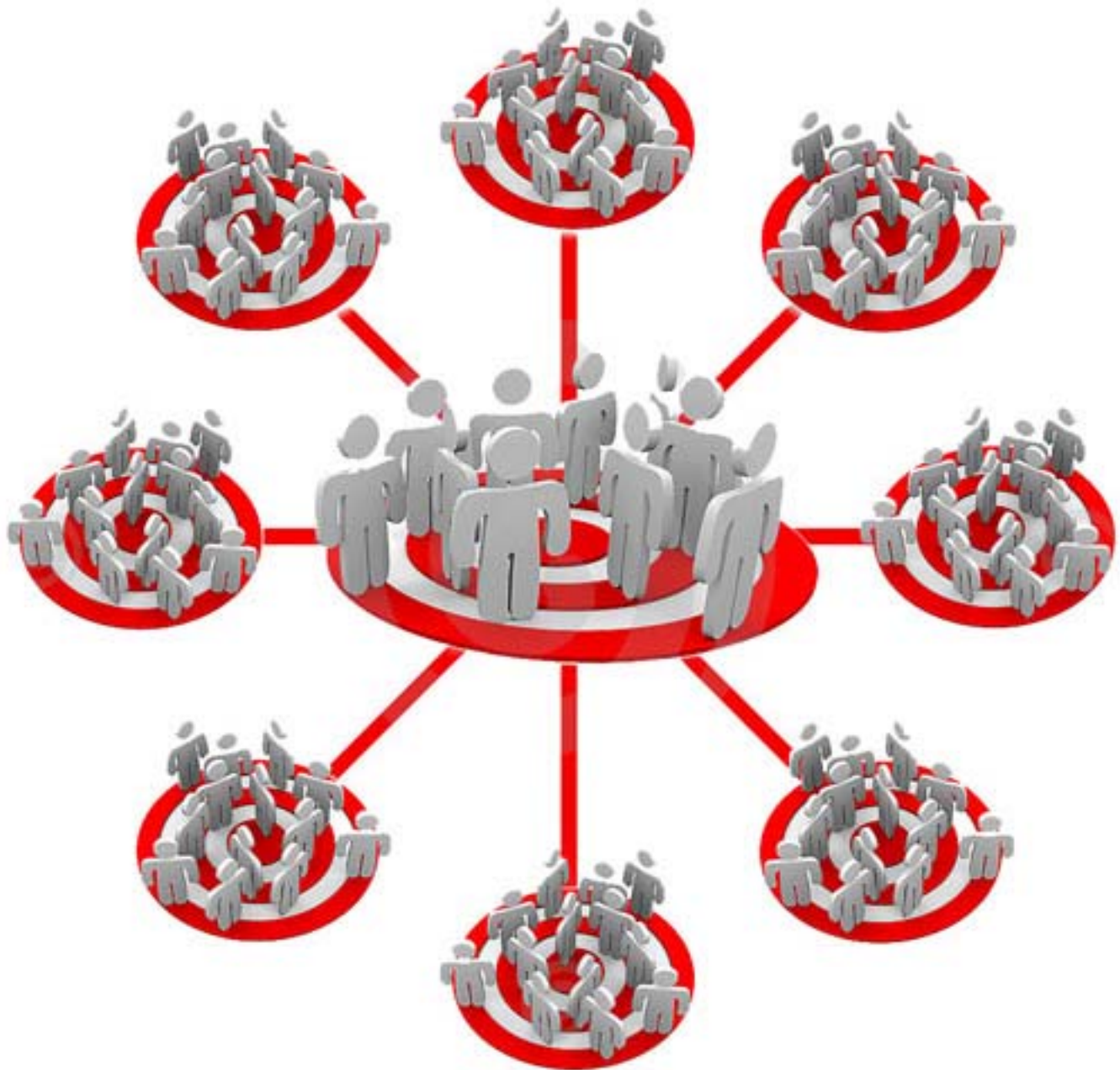


Behavioral Targeting

May 2010



Global Advertising




Lawyers Alliance


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- I. Do you perceive that consumers in your country are concerned about behavioral targeting and possible intrusions into personal information about them?

1. Not concerned at all
2. Somewhat concerned
3. Very concerned

Comments (optional):

- II. How thoroughly do you think consumers in your country understand how behavioral targeting is used by marketers?

1. No understanding
2. Some understanding
3. Very informed

Comments (optional):

- III. Has self-regulation addressed issues of behavioral targeting in your country?

1. No
2. Yes

If "yes", please provide a short paragraph generally describing the efforts. If there is any website that contains information on these efforts, please include it.

- IV. Are government regulators considering and/or have they enacted laws, rules or regulations addressing behavioral targeting?

1. No
2. Yes

If "yes", please provide a short paragraph generally describing the efforts. If there is any website that contains information on these efforts, please include it.

- V. If you have any other information or observations about behavioral targeting, please provide them:

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Website: www.thomsonplayfordcutlers.com.au



- I. Do you perceive that consumers in your country are concerned about behavioral targeting and possible intrusions into personal information about them?

1. Not concerned at all
2. Somewhat concerned
3. Very concerned

Comments (optional):

- II. How thoroughly do you think consumers in your country understand how behavioral targeting is used by marketers?

1. No understanding
2. Some understanding
3. Very informed

Comments (optional):

- III. Has self-regulation addressed issues of behavioral targeting in your country?

1. No
2. Yes

If "yes", please provide a short paragraph generally describing the efforts. If there is any website that contains information on these efforts, please include it.

- IV. Are government regulators considering and/or have they enacted laws, rules or regulations addressing behavioral targeting?

1. No
2. Yes

If "yes", please provide a short paragraph generally describing the efforts. If there is any website that contains information on these efforts, please include it.

Yes, broadly speaking. In general terms, the *Privacy Act*, 1988 (**Act**) is applicable to behavioural targeting. If a business (other than a small business) collects information about a

website user which, on its own or when combined with other information held about the user, identifies them, they must comply with the Act. Among other things, the National Privacy Principles, which are provided for under the Act, require that businesses:

1. inform website users about the collection, use and disclosure of information by the business, including by way of cookies;
2. Ensure that information collected is accurate, complete and up to date;
3. Allow individuals access to information held about them, subject to some exceptions, and provide for correction of inaccurate, incomplete or dated information; and
4. Provide for anonymity of users where lawful and practical, including by allowing website users to block cookies which collect information that identifies an individual.

Information about the Act and the Office of the Privacy Commissioner can be obtained at the website www.privacy.gov.au.

- V. If you have any other information or observations about behavioral targeting, please provide them:

Behavioural targeting is another form of online profiling which clearly raises privacy and other legal issues in Australia, as it does elsewhere. However, compared to other jurisdictions, notably Europe and North America, there has been little in the way of demonstrated opposition in Australia to behavioural marketing or other online marketing initiatives, nor loud calls for action or investigation by the Office of the Privacy Commissioner.

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- I. Do you perceive that consumers in your country are concerned about behavioral targeting and possible intrusions into personal information about them?
1. Not concerned at all
 2. Somewhat concerned
 3. Very concerned
- II. How thoroughly do you think consumers in your country understand how behavioral targeting is used by marketers?
1. No understanding
 2. Some understanding
 3. Very informed
- III. Has self-regulation addressed issues of behavioral targeting in your country?
1. No
 2. Yes

If "yes", please provide a short paragraph generally describing the efforts. If there is any website that contains information on these efforts, please include it.

- IV. Are government regulators considering and/or have they enacted laws, rules or regulations addressing behavioral targeting?
1. No
 2. Yes

If "yes", please provide a short paragraph generally describing the efforts. If there is any website that contains information on these efforts, please include it.

- V. If you have any other information or observations about behavioral targeting, please provide them:

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- I. Do you perceive that consumers in your country are concerned about behavioral targeting and possible intrusions into personal information about them?

1. Not concerned at all
2. Somewhat concerned
3. Very concerned

Comments (optional):

- II. How thoroughly do you think consumers in your country understand how behavioral targeting is used by marketers?

1. No understanding
2. Some understanding
3. Very informed

Comments (optional):

- III. Has self-regulation addressed issues of behavioral targeting in your country?

1. No, Bolivia does not have self-regulation
2. Yes

If "yes", please provide a short paragraph generally describing the efforts. If there is any website that contains information on these efforts, please include it.

- IV. Are government regulators considering and/or have they enacted laws, rules or regulations addressing behavioral targeting?

1. No
2. Yes

If "yes", please provide a short paragraph generally describing the efforts. If there is any website that contains information on these efforts, please include it.

- V. If you have any other information or observations about behavioral targeting, please provide them:

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VEIRANO ADVOGADOS

- I. Do you perceive that consumers in your country are concerned about behavioral targeting and possible intrusions into personal information about them?

1. Not concerned at all
2. Somewhat concerned
3. Very concerned

Comments:

The media is only starting to discuss this subject now. There was an article on Digital Magazine, inserted in local newspaper named O GLOBO, today, April 26th, 2010.

- II. How thoroughly do you think consumers in your country understand how behavioral targeting is used by marketers?

1. No understanding
2. Some understanding
3. Very informed

Comments (optional):

- III. Has self-regulation addressed issues of behavioral targeting in your country?

1. No
2. Yes
3. Not that I am aware of

If "yes", please provide a short paragraph generally describing the efforts. If there is any website that contains information on these efforts, please include it.

- IV. Are government regulators considering and/or have they enacted laws, rules or regulations addressing behavioral targeting?

1. No
2. Yes

If "yes", please provide a short paragraph generally describing the efforts. If there is any website that contains information on these efforts, please include it.

- V. If you have any other information or observations about behavioral targeting, please provide them:

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I. Do you perceive that consumers in your country are concerned about behavioral targeting and possible intrusions into personal information about them?

1. Not concerned at all
2. Somewhat concerned
3. Very concerned

II. How thoroughly do you think consumers in your country understand how behavioral targeting is used by marketers?

1. No understanding
2. Some understanding
3. Very informed

III. Has self-regulation addressed issues of behavioral targeting in your country?

1. No
2. Yes

If "yes", please provide a short paragraph generally describing the efforts. If there is any website that contains information on these efforts, please include it.

IV. Are government regulators considering and/or have they enacted laws, rules or regulations addressing behavioral targeting?

1. No
2. Yes

If "yes", please provide a short paragraph generally describing the efforts. If there is any website that contains information on these efforts, please include it.

The Office of the Privacy Commissioner of Canada (OPC) held public consultations this spring on the privacy issues associated with online tracking, profiling and the targeting of consumers by businesses. Behavioral targeting was a focus of these discussions.

V. If you have any other information or observations about behavioral targeting, please provide them:

The OPC has conducted a comprehensive investigation of Facebook's personal information practices, including the use of targeted advertising. The OPC is also currently investigating similar issues about the social networking site Nexopia (www.nexopia.com).

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ATTORNEYS

- I. Do you perceive that consumers in your country are concerned about behavioral targeting and possible intrusions into personal information about them?

1. Not concerned at all
2. Somewhat concerned
3. Very concerned

Comments:

There's no awareness about it.

- II. How thoroughly do you think consumers in your country understand how behavioral targeting is used by marketers?

1. No understanding
2. Some understanding
3. Very informed

- III. Has self-regulation addressed issues of behavioral targeting in your country?

1. No
2. Yes

If "yes", please provide a short paragraph generally describing the efforts. If there is any website that contains information on these efforts, please include it.

- IV. Are government regulators considering and/or have they enacted laws, rules or regulations addressing behavioral targeting?

1. No
2. Yes

If "yes", please provide a short paragraph generally describing the efforts. If there is any website that contains information on these efforts, please include it.

There's no specific regulation regarding behavioral targeting. Nevertheless, there's a law about "Protection of Private Life and Personal Data" (Law Number 19.628) that might be used to address this matter. Even though that Law does not talk specifically about behavioral targeting we consider possible to extrapolate some of its norms to this issue. We are not aware about an actual intent to regulate it in a more detailed mode.

- V. If you have any other information or observations about behavioral targeting, please provide them:

The "Behavioral Targeting" it's still something that doesn't concern Chilean consumers and/or Chilean authorities but will probably be addressed in the following years as it become more frequent as a tool among Chilean marketers who are already using it in a polite way.

CHINA

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- I. Do you perceive that consumers in your country are concerned about behavioral targeting and possible intrusions into personal information about them?

1. Not concerned at all
2. Somewhat concerned
3. Very concerned

- II. How thoroughly do you think consumers in your country understand how behavioral targeting is used by marketers?

1. No understanding
2. Some understanding
3. Very informed

Comments:

Behavioral targeting is still a new concept to the Chinese consumers although it is better understood by people in the advertising industry and even used already to some extent in some advertising businesses.

- III. Has self-regulation addressed issues of behavioral targeting in your country?

1. No
2. Yes

If "yes", please provide a short paragraph generally describing the efforts. If there is any website that contains information on these efforts, please include it.

- IV. Are government regulators considering and/or have they enacted laws, rules or regulations addressing behavioral targeting?

1. No
2. Yes

If "yes", please provide a short paragraph generally describing the efforts. If there is any website that contains information on these efforts, please include it.

- V. If you have any other information or observations about behavioral targeting, please provide them:

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- I. Do you perceive that consumers in your country are concerned about behavioral targeting and possible intrusions into personal information about them?

1. Not concerned at all
2. Somewhat concerned
3. Very concerned

Comments (optional):

- II. How thoroughly do you think consumers in your country understand how behavioral targeting is used by marketers?

1. No understanding
2. Some understanding
3. Very informed

Comments (optional):

- III. Has self-regulation addressed issues of behavioral targeting in your country?

1. No
2. Yes

If "yes", please provide a short paragraph generally describing the efforts. If there is any website that contains information on these efforts, please include it.

- IV. Are government regulators considering and/or have they enacted laws, rules or regulations addressing behavioral targeting?

1. No
2. Yes

If "yes", please provide a short paragraph generally describing the efforts. If there is any website that contains information on these efforts, please include it.

- V. If you have any other information or observations about behavioral targeting, please provide them:

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- I. Do you perceive that consumers in your country are concerned about behavioral targeting and possible intrusions into personal information about them?

1. Not concerned at all
2. Somewhat concerned
3. Very concerned

Comments:

There is some concern about specific sectors, such as credit cards and time sharing, that are more aggressive in their sales promotion tactics and profile consumers according to their spending behavior.

- II. How thoroughly do you think consumers in your country understand how behavioral targeting is used by marketers?

1. No understanding
2. Some understanding
3. Very informed

Comments (optional):

- III. Has self-regulation addressed issues of behavioral targeting in your country?

1. No
2. Yes

If "yes", please provide a short paragraph generally describing the efforts. If there is any website that contains information on these efforts, please include it.

- IV. Are government regulators considering and/or have they enacted laws, rules or regulations addressing behavioral targeting?

1. No
2. Yes

If "yes", please provide a short paragraph generally describing the efforts. If there is any website that contains information on these efforts, please include it.

- V. If you have any other information or observations about behavioral targeting, please provide them:

Behavioral targeting as such is not an issue. General privacy issues are slowly becoming one, so by analogy these rules may apply.

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VUKMIR

- I. Do you perceive that consumers in your country are concerned about behavioral targeting and possible intrusions into personal information about them?

1. Not concerned at all
2. Somewhat concerned
3. Very concerned

Comments:

The majority of the consumers are not aware of behavioral targeting. Behavioral targeting is not very developed at national level yet, especially in comparison with other national markets.

- II. How thoroughly do you think consumers in your country understand how behavioral targeting is used by marketers?

1. No understanding
2. Some understanding
3. Very informed

- III. Has self-regulation addressed issues of behavioral targeting in your country?

1. No
2. Yes
3. Not that I am aware of

If "yes", please provide a short paragraph generally describing the efforts. If there is any website that contains information on these efforts, please include it.

- IV. Are government regulators considering and/or have they enacted laws, rules or regulations addressing behavioral targeting?

1. No
2. Yes

If "yes", please provide a short paragraph generally describing the efforts. If there is any website that contains information on these efforts, please include it.

- V. If you have any other information or observations about behavioral targeting, please provide them:

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Carlos Alberto Arroyo del Río Verdelli

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Email: mail@falconipuig.com

Website: www.falconipuig.com



- I. Do you perceive that consumers in your country are concerned about behavioral targeting and possible intrusions into personal information about them?

1. Not concerned at all
2. Somewhat concerned
3. Very concerned

Comments:

Behavioral targeting is not a usual activity in our market, in fact the only enterprises that conduct this type of marketing are banks and those who offer credit cards. This being the reason why not all the customers are concerned about this intrusion.

- II. How thoroughly do you think consumers in your country understand how behavioral targeting is used by marketers?

1. No understanding
2. Some understanding
3. Very informed

Comments:

Due to the fact that this is not a common market behavior we think customers in our country have not yet realized the implications of this type of marketing

- III. Has self-regulation addressed issues of behavioral targeting in your country?

1. No
2. Yes

If "yes", please provide a short paragraph generally describing the efforts. If there is any website that contains information on these efforts, please include it.

- IV. Are government regulators considering and/or have they enacted laws, rules or regulations addressing behavioral targeting?

1. No
2. Yes

If "yes", please provide a short paragraph generally describing the efforts. If there is any website that contains information on these efforts, please include it.

Ecuador does not have a behavioral targeting law by itself, we have several laws that protect personal information such as the Financial System Law that forbids the banks to give or share the personal information of their clients with anyone unless they have a warrant.

- V. If you have any other information or observations about behavioral targeting, please provide them:

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Website: www.roschier.com



ROSCHIER

I. Do you perceive that consumers in your country are concerned about behavioral targeting and possible intrusions into personal information about them?

1. Not concerned at all
2. Somewhat concerned
3. Very concerned

II. How thoroughly do you think consumers in your country understand how behavioral targeting is used by marketers?

1. No understanding
2. Some understanding
3. Very informed

III. Has self-regulation addressed issues of behavioral targeting in your country?

1. No
2. Yes

If "yes", please provide a short paragraph generally describing the efforts. If there is any website that contains information on these efforts, please include it.

IV. Are government regulators considering and/or have they enacted laws, rules or regulations addressing behavioral targeting?

The current Finnish data protection legislation does not refer to *behavioral targeting*. The Finnish Data Protection Ombudsman has not given any direct guidelines on behavioral targeting. However, the Ombudsman has referred to the use of Web tracking and cookie technologies in the guidelines on the application of the *Act on the Protection of Privacy in Electronic Communications (516/2004)* ("e-Privacy Act"), which is along the *Act on Personal Data (523/1999)* ("Personal Data Act") the most relevant act with regard to behavioral targeting and the increasing use of Web tracking and cookie technologies.

Pursuant to the e-Privacy Act service providers are obliged to inform the users about the use of Web tracking or cookies and the purpose of the data collecting. The information provided must be clear and comprehensive and the user must be given the option to reject the data collection (opt-out). If personal data is also collected through Web tracking or cookies, the general provisions of the Personal Data Act are to be applied. The key provision of the Personal Data Act requires that no personal data may be collected or processed without the consent from the data subject. The Personal Data Act makes, however, no specific reference to cookies or other tracking technologies.

- V. If you have any other information or observations about behavioral targeting, please provide them:

Behavioral targeting is an issue which regularly comes up in connection with loyalty programs for regular customers. The Finnish Consumer Office has issued guidelines, which oblige the service providers to provide clear and comprehensive information on loyalty programs and use of personal data collected in connection thereto, so that consumers have sufficient information to decide whether or not to join loyalty programs.

FRANCE

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BERNARD-HERTZ-BÉJOT



- I. Do you perceive that consumers in your country are concerned about behavioral targeting and possible intrusions into personal information about them?

1. Not concerned at all
2. Somewhat concerned
3. Very concerned

Comments:

Most people do not realize how their personal data is used when they go through internet websites (such as social networks websites) and register their personal data. They generally do not read the Privacy Policy of the websites which collect and process their personal data.

- II. How thoroughly do you think consumers in your country understand how behavioral targeting is used by marketers?

1. No understanding
2. Some understanding
3. Very informed

Comments:

Same comment as above. The French personal data protection agency ("Commission Nationale de l'Informatique et des libertés", CNIL) is working on providing consumers/data subjects with clear information in that respect (see item III below).

- III. Has self-regulation addressed issues of behavioral targeting in your country?

1. No
2. Yes

If "yes", please provide a short paragraph generally describing the efforts. If there is any website that contains information on these efforts, please include it.

The CNIL issued a report on "targeted advertising" published on February 5, 2009
http://www.cnil.fr/fileadmin/documents/La_CNIL/actualite/Publicite_Ciblee_rapport_VD.pdf.

The CNIL also regularly addresses this issue (among others) in its annual report(s), or in articles/newsletters posted on its official website (www.cnil.fr).

For instance, the CNIL recently addressed the issue of the use of technical means to analyze the numbers of persons who did look at an advertising billboard (certain systems are able to evaluate the time spent before the billboard, and sometimes, they provide an estimation of the age and the

gender of the persons) : <http://www.cnil.fr/dossiers/conso-pub-spam/actualites/article/23/dispositifs-danalyse-du-comportement-des-consommateurs-souriez-vous-etes-comptes-2/>

The CNIL is also associated with programs destined to inform the public on the risks linked with certain social network's websites (for instance a program set on February 2010 and called "*you publish, you think*").

IV. Are government regulators considering and/or have they enacted laws, rules or regulations addressing behavioral targeting?

1. No
2. Yes

If "yes", please provide a short paragraph generally describing the efforts. If there is any website that contains information on these efforts, please include it.

The data protection law of January 6, 1978 (as amended on August 6, 2004 and on May 12, 2009) provides for general rules destined to inform and protect the data subjects. The CNIL, while addressing the issue of the use of technical means to analyze the numbers of persons who did look at an advertising billboard (see item III above), considered that this law is applicable to such kind of collection and processing of data (the image of the person allowing his/her identification is a personal data).

A bill dated March 24, 2010 aims at ensuring the protection of private life in connection with the use of online communication services. For instance, a new section in the Education Code would be added: it would aim at helping the students developing a considered opinion and a reasonable behaviour while using interactive tools offered by online communication services (text of the bill, in its current version, available at <http://www.assemblee-nationale.fr/13/propositions/pion2387.asp>).

V. If you have any other information or observations about behavioral targeting, please provide them:

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 HEUKING KÜHN LÜER WOJTEK

- I. Do you perceive that consumers in your country are concerned about behavioral targeting and possible intrusions into personal information about them?

1. Not concerned at all
2. Somewhat concerned
3. Very concerned

Comments: Due to, at times, excessive exploitation via targeted electronic advertising via telephone, e-mail and pop-ups.

- II. How thoroughly do you think consumers in your country understand how behavioral targeting is used by marketers?

1. No understanding
2. Some understanding
3. Very informed

Comments: Due to extensive press coverage and publications of consumer protection organizations.

- III. Has self-regulation addressed issues of behavioral targeting in your country?

1. No
2. Yes

If "yes", please provide a short paragraph generally describing the efforts. If there is any website that contains information on these efforts, please include it.

Along the lines of statutory regulations concerning electronic marketing, the Deutscher Werberat and organizations of the marketing industry (such as DDV - Deutscher Dialogmarketing Verband e.V) have addressed the issue in self-regulatory policies (www.werberat.de, www.ddv.de)

- IV. Are government regulators considering and/or have they enacted laws, rules or regulations addressing behavioral targeting?

1. No
2. Yes

If "yes", please provide a short paragraph generally describing the efforts. If there is any website that contains information on these efforts, please include it.

These rules are part of the German Privacy/Data Protection Acts (Federal and State) and of the Law Against Unfair Advertising (relating to electronic marketing restrictions).

- V. If you have any other information or observations about behavioral targeting, please provide them:

For further details, the following material is helpful (diploma thesis, in German language only):

Gisela Kopp: *Behavioral Targeting: Identifizierung verhaltensorientierter Zielgruppen im Rahmen der Online-Werbung*. Diplomarbeit, 2008, [ISBN 978-3640292127](#).

Thomas Stolzenberger: *Neue Wege in Online-Werbung und Direktmarketing durch Predictive Behavioral Targeting*. Diplomica Verlag. Diplomarbeit, Hamburg 2008, [ISBN 978-3-8366-2433-6](#).

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- I. Do you perceive that consumers in your country are concerned about behavioral targeting and possible intrusions into personal information about them?

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3. Very concerned

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3. Very informed

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1. No
2. Yes

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1. No
2. Yes

If "yes", please provide a short paragraph generally describing the efforts. If there is any website that contains information on these efforts, please include it.

- V. If you have any other information or observations about behavioral targeting, please provide them:

GUATEMALA

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Palacios & Asociados
LAW & CONSULTING FIRM

- I. Do you perceive that consumers in your country are concerned about behavioral targeting and possible intrusions into personal information about them?

1. Not concerned at all
2. Somewhat concerned
3. Very concerned

- II. How thoroughly do you think consumers in your country understand how behavioral targeting is used by marketers?

1. No understanding
2. Some understanding
3. Very informed

- III. Has self-regulation addressed issues of behavioral targeting in your country?

1. No
2. Yes

If "yes", please provide a short paragraph generally describing the efforts. If there is any website that contains information on these efforts, please include it.

- IV. Are government regulators considering and/or have they enacted laws, rules or regulations addressing behavioral targeting?

1. No
2. Yes

If "yes", please provide a short paragraph generally describing the efforts. If there is any website that contains information on these efforts, please include it.

- V. If you have any other information or observations about behavioral targeting, please provide them:

HUNGARY

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I. Do you perceive that consumers in your country are concerned about behavioral targeting and possible intrusions into personal information about them?

1. Not concerned at all
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II. How thoroughly do you think consumers in your country understand how behavioral targeting is used by marketers?

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2. Some understanding
3. Very informed

Comments (optional):

III. Has self-regulation addressed issues of behavioral targeting in your country?

1. No
2. Yes

If "yes", please provide a short paragraph generally describing the efforts. If there is any website that contains information on these efforts, please include it.

IV. Are government regulators considering and/or have they enacted laws, rules or regulations addressing behavioral targeting?

1. No
2. Yes

If "yes", please provide a short paragraph generally describing the efforts. If there is any website that contains information on these efforts, please include it.

Prior opt in consent is required for the use of behavioral targeting techniques.

V. If you have any other information or observations about behavioral targeting, please provide them:

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**KAN &
KRISHME**
Attorneys at Law

I. Do you perceive that consumers in your country are concerned about behavioral targeting and possible intrusions into personal information about them?

1. Not concerned at all
2. Somewhat concerned
3. Very concerned

Comments:

Asia is a home to the largest Internet population in the world. In 2009, India had 35.8 million Internet users (excluding visits from net cafes and handhelds), up 17% year-on-year, according to web metrics firm comScore. India's growth rate is the third highest in the Asia Pacific region and is surpassing the countries like China and Japan both in absolute number of users and in growth rates.

As most markets in the Indian region is experiencing double-digit growth, marketers and advertisers have the opportunity to capitalize on the potential of the online channel to reach and engage a surging number of people engaging in a variety of consumer activities online, including reading content, watching video, playing online games, engaging with brands, conducting financial transactions and making online purchases.

Given all the attention focused on India's middle class in recent years, it is important to keep a proper perspective on its size and potential purchasing power. The middle class in India has the sense that it is coming into its own; that it has acquired the numerical strength i.e. approximately 300 million to make the Indian market matter even in a global context.

Behavioral targeting is a way of tracking an Internet user's behavior online and then serving an advertisement that matches that user's interest. Behavioral Targeting has become the buzz word these days. Behavioral targeting Vendors are spreading like wildfire. It is hard for Internet users to become hard to keep up with all the vendors in the market and find out who is tracking your behavior.

The middle class is a growing consumer market. Consumers want advertisements that are relevant to their needs, but they have mixed feelings about how that relevancy should be determined. Today consumers, when they visit a site participating in a behavioral targeting network, are automatically opted-in to Behavioral Targeting. The consent to participate in Behavioral Targeting is mentioned in privacy policy of the site, which most of the people don't read. Often, visitors do not have choice if they want to use the site. Even though most of the time tracking is done anonymously, using a third party anonymous cookie, Behavioral Targeting has raised privacy concerns. Most of the time these privacy concerns are unfounded but still there are chances when it may become an issue.

In other words, consumers want relevant advertisements but are not comfortable with being tracked. To ease consumers concerns and give them control over their tracking, Network Advertising Initiative (NAI) has developed an Opt-out Tool based on third party cookies. This tool allows consumers to see what Advertising networks have dropped cookie on their computer and hence are tracking their behavior. If a person does not want any network(s) to track his/her behavior the consumer can "opt out" of the network using this tool. Opting out of a network does not mean a visitor will no longer receive online advertising. It does mean that the network from which a visitor opted out will no longer deliver ads based on the visitor's behavior and/or preferences.

II. How thoroughly do you think consumers in your country understand how behavioral targeting is used by marketers?

1. No understanding
2. Some understanding
3. Very informed

Comments:

According to recent statistics released by the Internet and Mobile Association of India (IAMAI), the online ad market has been expanding at a stellar pace; it has registered more than a 400 percent increase. Indian Internet users' knowledge, attitudes and concerns about behavioral targeting and its implications on their online privacy have been laid down in points as mentioned herein below:

- There is an intermediate level of awareness that internet activities are being tracked for purposes of targeting advertising.
- Merely, 50 percent of online consumers are aware that their browsing information may be collected by a third party for advertising purposes, and few online consumers are familiar with the term "behavioral targeting."
- The respondents, who are aware of this fact, say that they are not comfortable with those advertisers who use their browsing history to serve relevant ads, even when that information cannot be tied to their names or any other personal information. Therefore, the respondents express their willingness to take necessary steps to assure increased privacy online when presented with the tools to control their internet tracking and advertising experience.

III. Has self-regulation addressed issues of behavioral targeting in your country?

1. No
2. Yes

If "yes", please provide a short paragraph generally describing the efforts. If there is any website that contains information on these efforts, please include it.

Comments:

Even though, we are answering this as yes, it is apparent that there is no particular governing body for addressing self-regulatory issues of behavioral targeting.

IV. Are government regulators considering and/or have they enacted laws, rules or regulations addressing behavioral targeting?

1. No
2. Yes

If "yes", please provide a short paragraph generally describing the efforts. If there is any website that contains information on these efforts, please include it.

A powerful global system of online data collection for targeted interactive marketing has become one of the principal features of the Internet. Throughout much of the world, individual user information is now routinely collected for profiling, tracking and targeting purposes, which has raised growing concern over personal privacy and consumer welfare.

With the advancement in technological development, a transition has occurred in the standard of crimes. In the present era most of the crimes are being done by the professionals through the easiest medium i.e. computers and electronic gadgets. Maintaining of data bases is not as much difficult task as maintaining its integrity, so in this era the most concerned debate is going on to innovate a perfect method of data protection. Behavioral targeting is also considered to be a major issue in the field of cyber crime where the marketers use the individual user information for profiling, tracking and targeting purposes. In the absence of any particular stringent law relating to data protection, the miscreants are gaining expertise in their work day by day.

As on date there is no specific legislation in India which regulates Behavioral targeting. In view of this, we enlist herein below some of the laws which can be considered over personal privacy and consumer welfare:

Data protection under Indian Law:

Our constitution has provided the law relating to privacy under the scope of Article 21. Its interpretation is found insufficient to provide adequate protection to the data. In the year 2000, effort has been made by our legislature to embrace privacy issues relating to computer system under the purview of IT Act, 2000. This Act contains certain provisions which provide protection of stored data. In the year 2006, our legislature has also introduced a bill known as 'The Personal Data Protection Bill' so as to provide protection to the personal information of the person.

Under IT Act, 2000

Section 43: This section provides protection against unauthorized access of the computer system by imposing heavy penalty up to one crore. The unauthorized downloading, extraction and copying of data are also covered under the same penalty. Clause 'c' of this section imposes penalty for unauthorized introduction of computer viruses or contaminants. Clause 'g' provides penalties for assisting the unauthorized access.

Section 65: This section provides for computer source code. If anyone knowingly of intentionally conceals, destroys, alters or causes another to do as such shall have to suffer a penalty of imprisonment or fine up to 2 lakh rupees. Thus protection has been provided against tampering of computer source documents.

Section 66: Protection against hacking has been provided under this section. As per this section hacking is defined as any act with an intention to cause wrongful loss or damage to any person or with the knowledge that wrongful loss or damage will be caused to any person and information residing in a computer resource must be either destroyed, deleted, altered or its value and utility get diminished. This section imposes the penalty of imprisonment of three years or fine up to two lakh rupees or both on the hacker.

Section 70: This section provides protection to the data stored in the protected system. Protected systems are those computers, computer system or computer network to which the appropriate government, by issuing gazette information in the official gazette, declared it as a protected system. Any access or attempt to secure access of that system in contravention of the provision of this section will make the person accessed liable for punishment of imprisonment which may extend to ten years and shall also be liable to fine.

Section 72: This section provides protection against breach of confidentiality and privacy of the data. As per this, any person upon whom powers have been conferred under IT Act and allied rules to secure access to any electronic record, book, register, correspondence, information document or other material discloses it to any other person, shall be punished with imprisonment which may extend to two years or with fine which may extend to one lakh rupees or both.

Indian Penal code:

It imposes punishment for the wrongs which were expected to occur till the last decade. But it failed to incorporate within itself the punishment for crimes related to data which has become the order of the day.

The Personal Data Protection Bill, 2006:

Upon the footprints of the foreign laws, this bill was introduced in the Rajya Sabha on December 8th 2006. The purpose of this bill is to provide protection of personal data and information of an individual collected for a particular purpose by one organization, and to prevent its usage by other organization for commercial or other purposes and entitle the individual to claim compensation or damages due to disclosure of personal data or information of any individual without his consent and for matters connected with the Act or incidental to the Act. Provisions contained in this Act are relating to nature of data to be obtained for the specific purpose and the quantum of data to be obtained for that purpose. Data controllers have been proposed to be appointed to look upon the matters relating to violation of the proposed Act.

- V. If you have any other information or observations about behavioral targeting, please provide them:

Comments:

Behavioral Targeting is definitely the future of Online Advertising, but herein mentioned below are some points which could be plaguing its growth in India:

1. Lack of enough Paying Customers:

Travel is a completely revenue driven domain and one of the prime drivers of e-transactions in India. [IRCTC](#) (Indian Railways) is India's largest E-Commerce driver. Even though, travel witnesses an enormous amount of online consumers but users are still uncomfortable at the thought of making other regular purchases online. This is in view of the fact that the price advantage online is not huge.

2. Lack of Advertisers:

Behavioral Targeting will work wonders for local advertisers. For example, if a customer is searching for information about a *Vacuum Cleaner* and the advertiser show the advertisement of the nearest shop to customer's place which sells it, then it is perfect. But there are not many local shops; restaurants etc currently use the online medium.

3. Massive popularity of Cyber Cafes:

The number of internet users worldwide is expected to touch 2.2 billion by 2013 and India is projected to have the third largest online population during the same time and due to absence of stringent Law, certain things are going wrong due to Massive popularity of cyber café's.

4. User Backlash:

It's a very fine line between invading a user's privacy and serving him better. Currently getting contextual ads might not appeal to users as a benefit because the consumers are still not comfortable with being tracked.

5. Behaviour:

Behaviour targeting should be used in sync with user demographics – display of related linked products. The major point which the advertiser has to keep in mind while attracting the customer by behavioral targeting is as follows: What exactly is the online behaviour of the customer? For example, if the customer is visiting an online travel site – will not label him as a traveler. Therefore, showing travel ads all the time won't really be the smartest of moves – because chances are that if he is a regular traveler, then he would already know about your service and by the time you show him your ad – he might have already booked his tickets.

Behavioral Targeting is an exhilarating concept. Mobile advertising is poised to become a huge growth area and the possible future of Behavioral Targeting in India.

IRELAND

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DUNCAN GREHAN
&
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Solicitors

I. Do you perceive that consumers in your country are concerned about behavioral targeting and possible intrusions into personal information about them?

1. Not concerned at all
2. Somewhat concerned
3. Very concerned

II. How thoroughly do you think consumers in your country understand how behavioral targeting is used by marketers?

1. No understanding
2. Some understanding
3. Very informed

III. Has self-regulation addressed issues of behavioral targeting in your country?

1. No
2. Yes

If "yes", please provide a short paragraph generally describing the efforts. If there is any website that contains information on these efforts, please include it.

IV. Are government regulators considering and/or have they enacted laws, rules or regulations addressing behavioral targeting?

1. No
2. Yes

If "yes", please provide a short paragraph generally describing the efforts. If there is any website that contains information on these efforts, please include it.

Although nothing has been published as of yet we understand the National Consumer Agency are considering the issue along with the Data Protection Commissioners office.

V. If you have any other information or observations about behavioral targeting, please provide them:

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If "yes", please provide a short paragraph generally describing the efforts. If there is any website that contains information on these efforts, please include it.

The Minister of Justice has powers, derived by the Privacy Protection Law - 1981, to enforce and regulate the Law. Accordingly, he set a series of privacy protection regulations.

- V. If you have any other information or observations about behavioral targeting, please provide them:

ITALY

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3. Very concerned

Comments

The awareness about the potential side effects is increasing. The Italian Data Protection Authority performs significant efforts in educating both, the general public as well as certain categories (such as minors) about the risks of improper or uncontrolled online use of personal data (and of practices as profiling, monitoring, contextual or behavioral targeting).

II. How thoroughly do you think consumers in your country understand how behavioral targeting is used by marketers?

1. No understanding
2. Some understanding
3. Very informed

Comments:

The general public is still unaware of how sophisticated BEHAVIORAL TARGETING techniques can result and of to which extent consumer habits can be tracked and analyzed.

III. Has self-regulation addressed issues of behavioral targeting in your country?

1. No, not directly through a specific SELF-REGULATION Code, BUT (see comment below)
2. Yes

If "yes", please provide a short paragraph generally describing the efforts. If there is any website that contains information on these efforts, please include it.

Comments:

While there is no specific SELF-REGULATION Code with provisions ruling on BEHAVIORAL TARGETING, the issue is indirectly addressed by: (a) the Ethic Code of the National Association of Providers of Audio Visual Information Services (ANFoV), which requires the adhering providers to give users in-advance notice about all personal data (inclusive logs) collected and stored as well as about the purposes of the processing and the further uses of such data, (b) the Ethic Code promoted - back in 1997 - by the Italian Association of Internet Providers (AIIP), jointly with the National Association of Electronic Publishers (ANEE) and a number of companies, which also sets that all user information achieved or submitted in the context of an online connection is to be processed in strict compliance with domestic provisions governing handling of personal data, (c) the SELF-REGULATION Code "Internet and Minors", adopted back in November 2003 and signed by AIIP, ANFoV, Assoprovider (= association of independent Internet providers) and the Federcomin (= Federation of companies active in the sector of communication and information technology), which - while intending to grant minors during their online presence safety and maximum respect of their dignity and private sphere - specifically requires adherents to restrain from profiling and processing minors' personal data in absence of proper in-advance notice and specific parental consent, (e) finally, a new Ethic Code with a specific focus on data protection on the Internet, proposed by the Federation of Digital Operators (Fedoweb) and currently discussed with the Italian Data Protection Authority.

IV. Are government regulators considering and/or have they enacted laws, rules or regulations addressing behavioral targeting?

1. No, not directly through a specific rules or regulations, BUT (see comment below)
2. Yes

If "yes", please provide a short paragraph generally describing the efforts. If there is any website that contains information on these efforts, please include it.

Comments:

Italian Regulators do feel that BEHAVIORAL TARGETING is already covered by (and has to comply with) the general provisions on processing of personal data. So any time BEHAVIORAL TARGETING with its profiling and monitoring practices results in handling of (identifiable) personal information, the administrative and legal requirements (e. g. notification to the national Data Protection Authority, in-advance notice to and consent by the data subject) will come into play. The system is "opt-in".

In a recent decision (issued on December 16th, 2009) the Italian Data Protection Commissioner has held that profiling customers for commercial or marketing purposes is illegal if not performed on clear in-advance notice about all exactly indicated purposes and after achieving data subject's specific consent (generic information on collected data's use not being sufficient).

V. If you have any other information or observations about behavioral targeting, please provide them:

Comments:

The conclusions exposed in Section IV above originate from a position repeatedly affirmed by the Article 29 Working Party (an independent Advisory Body - set up by Directive 95/46/EC - for providing expert opinion from member state level to the EU Commission on questions of data protection), according to which IP addresses, data logs and cookies, if allowing users' tracking, are subject to provisions on processing of personal data (see for details on such position WP 148 of April 4th, 2008 and WP 136 of June 20th, 2007).

Behavioral targeting frequently makes use of 'cookies'. Recently the so-called ePrivacy EU Directive (i.e. Directive no. 58 of 2002 on "concerning the processing of personal data and the protection of privacy in the electronic communications sector") was amended through Directive no. 136 of 2009. According to the amended text "...the storing of information, or the gaining of access to information already stored, in the terminal equipment of a subscriber or user is only allowed on condition that the subscriber or user concerned has given his or her consent, having been provided with clear and comprehensive information ... about the purposes of the processing" where such provision do not cover and go "... not prevent any technical storage or access for the sole purpose of carrying out the transmission of a communication over an electronic communications network, or as strictly necessary ... for the provider.." to deliver a service explicitly requested by the subscriber or user".

The impact of the amended Directive – due to be implemented into Member States' national laws by May 25th, 2011 – is fairly obvious.

JAPAN

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HIBIYA PARK LAW OFF

- I. Do you perceive that consumers in your country are concerned about behavioral targeting and possible intrusions into personal information about them?

1. Not concerned at all
2. Somewhat concerned
3. Very concerned

Comments (optional):

- II. How thoroughly do you think consumers in your country understand how behavioral targeting is used by marketers?

1. No understanding
2. Some understanding
3. Very informed

Comments (optional):

- III. Has self-regulation addressed issues of behavioral targeting in your country?

1. No
2. Yes

If "yes", please provide a short paragraph generally describing the efforts. If there is any website that contains information on these efforts, please include it.

Japan Internet Advertising Association (JIAA) set forth "The Guidelines on Standards for Internet Advertisement" in June 2009, which provides for self-regulations on behavior targeting advertisement that include the scope of necessary information to be disclosed to customers in running any behavioral targeting advertising, such information to be disclosed on the relevant web-site, and recommendation of establishment of an opt-out policy on how to reject customers' behavior logs being collected.

<http://www.jiaa.org/>

- IV. Are government regulators considering and/or have they enacted laws, rules or regulations addressing behavioral targeting?

1. No
2. Yes

If "yes", please provide a short paragraph generally describing the efforts. If there is any website that contains information on these efforts, please include it.

- V. If you have any other information or observations about behavioral targeting, please provide them:

Although government regulators do not seemingly consider urgently enacting any statutes, rules or regulations addressing behavioral targeting, the Ministry of Internal Affairs and Communications of Japan has organized a working group which discusses various topics related to "life log" including behavioral targeting since April 2009.

KOREA

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KIM & CHANG

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1. Not concerned at all
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II. How thoroughly do you think consumers in your country understand how behavioral targeting is used by marketers?

1. No understanding
2. Some understanding
3. Very informed

Comments:

Although there are many savvy consumers in Korea, generally speaking the public does not have a very deep or detailed understanding of what behavioral marketing is and how it is being used by marketers.

III. Has self-regulation addressed issues of behavioral targeting in your country?

1. No
2. Yes

If "yes", please provide a short paragraph generally describing the efforts. If there is any website that contains information on these efforts, please include it.

IV. Are government regulators considering and/or have they enacted laws, rules or regulations addressing behavioral targeting?

1. No
2. Yes

If "yes", please provide a short paragraph generally describing the efforts. If there is any website that contains information on these efforts, please include it.

V. If you have any other information or observations about behavioral targeting, please provide them:

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 2. Some understanding
 3. Very informed

Comments:

To the best of our knowledge, Luxembourg consumers are not well aware of this issue.

- III. Has self-regulation addressed issues of behavioral targeting in your country?
1. No
 2. Yes

If "yes", please provide a short paragraph generally describing the efforts. If there is any website that contains information on these efforts, please include it.

With respect to cookie-based online behavioural advertising the Commission Nationale pour la Protection des Données (the "CNPD"), i.e. the Luxembourg data protection authority has participated in the opinion 1/2008 of the article 29 data protection working party on data protection issues related to search engines. The CNPD has posted on its website (www.cnpd.lu) a summary of the issues of this opinion shortly after its issuing. It has also published on its website, on 22 January 2010, a post of the announcement of Microsoft to cut Bing retention time to 6 months and on 28 January 2010 an article showing how it is easy for a website to collect information such as IP address, etc. However, the CNPD but has not enacted yet real guidelines on behavioral targeting.

According to the above-mentioned opinion 1/2008, it is very likely that the prior consent of the data subject be requested for enrichment of user profiles with data not provided by the users themselves and for retaining the individual search history. Cookies should remain subject to opt-out principle.

IV. Are government regulators considering and/or have they enacted laws, rules or regulations addressing behavioral targeting?

1. No

2. Yes

If "yes", please provide a short paragraph generally describing the efforts. If there is any website that contains information on these efforts, please include it.

There is no regulation in Luxembourg specifically addressing the issue of behavioral marketing, however, the law of 2 August 2002 regarding the protection of personal data should apply to the collection of data which purpose is the behavioral targeting of users or consumers.

V. If you have any other information or observations about behavioral targeting, please provide them:

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Website: www.mirandah.com



- I. Do you perceive that consumers in your country are concerned about behavioral targeting and possible intrusions into personal information about them?

1. **Not concerned at all**
2. Somewhat concerned
3. Very concerned

Comments:

At this moment, it is an accepted code of conduct to use OBA as is evident by its proliferation in supermarkets, online browsing etc and no formal complaints have been filed as yet.

- II. How thoroughly do you think consumers in your country understand how behavioral targeting is used by marketers?

1. No understanding
2. **Some understanding**
3. Very informed

Comments:

The Consumer Association has warned of the practice of OBA but the public has yet to express any objections.

- III. Has self-regulation addressed issues of behavioral targeting in your country?

1. **No**
2. Yes

If "yes", please provide a short paragraph generally describing the efforts. If there is any website that contains information on these efforts, please include it.

- IV. Are government regulators considering and/or have they enacted laws, rules or regulations addressing behavioral targeting?

1. **No**
2. Yes

Comments:

There is no awareness of this practice in the points of sale or online.

If "yes", please provide a short paragraph generally describing the efforts. If there is any website that contains information on these efforts, please include it.

- V. If you have any other information or observations about behavioral targeting, please provide them:

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- III. Has self-regulation addressed issues of behavioral targeting in your country?

1. No
2. Yes

If "yes", please provide a short paragraph generally describing the efforts. If there is any website that contains information on these efforts, please include it.

- IV. Are government regulators considering and/or have they enacted laws, rules or regulations addressing behavioral targeting?

1. No
2. Yes

If "yes", please provide a short paragraph generally describing the efforts. If there is any website that contains information on these efforts, please include it.

- V. If you have any other information or observations about behavioral targeting, please provide them:

In general there is a terrible lack of self-regulation and government regulation in this matter.

NETHERLANDS

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VAN TILL advocaten

- I. Do you perceive that consumers in your country are concerned about behavioral targeting and possible intrusions into personal information about them?

1. Not concerned at all
2. Somewhat concerned
3. Very concerned

Comments:

From recent research it appeared only 20% of Dutch consumers are concerned.

- II. How thoroughly do you think consumers in your country understand how behavioral targeting is used by marketers?

1. No understanding
2. Some understanding
3. Very informed

Comments (optional):

- III. Has self-regulation addressed issues of behavioral targeting in your country?

1. No
2. Yes

If "yes", please provide a short paragraph generally describing the efforts. If there is any website that contains information on these efforts, please include it.

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If "yes", please provide a short paragraph generally describing the efforts. If there is any website that contains information on these efforts, please include it.

- V. If you have any other information or observations about behavioral targeting, please provide them:

I have read several articles in Dutch magazines and papers, but for consumers it is not an issue. They seem to accept or even appreciate narrow casted commercial information on subjects they search for.

NEW ZEALAND

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HESKETH HENRY
The Art of Law

- I. Do you perceive that consumers in your country are concerned about behavioral targeting and possible intrusions into personal information about them?

1. Not concerned at all
2. Somewhat concerned
3. Very concerned

Comments:

Many people are not aware of behavioural targeting. The Privacy Act 1993 ("the Act") is currently under review and the Commissioner has high-lighted that this as an area of concern and is one which potentially requires tighter regulation.

- II. How thoroughly do you think consumers in your country understand how behavioral targeting is used by marketers?

1. No understanding
2. Some understanding
3. Very informed

- III. Has self-regulation addressed issues of behavioral targeting in your country?

1. No
2. Yes

If "yes", please provide a short paragraph generally describing the efforts. If there is any website that contains information on these efforts, please include it.

- IV. Are government regulators considering and/or have they enacted laws, rules or regulations addressing behavioral targeting?

1. No
2. Yes

If "yes", please provide a short paragraph generally describing the efforts. If there is any website that contains information on these efforts, please include it.

See comments at paragraph 1 relating to the Act being under review.

- V. If you have any other information or observations about behavioral targeting, please provide them:

NICARAGUA

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- I. Do you perceive that consumers in your country are concerned about behavioral targeting and possible intrusions into personal information about them?

1. Not concerned at all
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3. Very concerned

- II. How thoroughly do you think consumers in your country understand how behavioral targeting is used by marketers?

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2. Some understanding
3. Very informed

- III. Has self-regulation addressed issues of behavioral targeting in your country?

1. No
2. Yes

If "yes", please provide a short paragraph generally describing the efforts. If there is any website that contains information on these efforts, please include it.

- IV. Are government regulators considering and/or have they enacted laws, rules or regulations addressing behavioral targeting?

1. No
2. Yes

If "yes", please provide a short paragraph generally describing the efforts. If there is any website that contains information on these efforts, please include it.

- V. If you have any other information or observations about behavioral targeting, please provide them:

NIGERIA

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I. Do you perceive that consumers in your country are concerned about behavioral targeting and possible intrusions into personal information about them?

1. Not concerned at all
2. Somewhat concerned
3. Very concerned

II. How thoroughly do you think consumers in your country understand how behavioral targeting is used by marketers?

1. No understanding
2. Some understanding
3. Very informed

III. Has self-regulation addressed issues of behavioral targeting in your country?

1. No
2. Yes

If "yes", please provide a short paragraph generally describing the efforts. If there is any website that contains information on these efforts, please include it.

IV. Are government regulators considering and/or have they enacted laws, rules or regulations addressing behavioral targeting?

1. No
2. Yes

If "yes", please provide a short paragraph generally describing the efforts. If there is any website that contains information on these efforts, please include it.

V. If you have any other information or observations about behavioral targeting, please provide them:

PANAMA

Ada Tovar

Annette Barcena

ALFARO, FERRER & RAMIREZ

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I. Do you perceive that consumers in your country are concerned about behavioral targeting and possible intrusions into personal information about them?

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3. Very concerned

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2. Some understanding
3. Very informed

III. Has self-regulation addressed issues of behavioral targeting in your country?

1. No
2. Yes

If "yes", please provide a short paragraph generally describing the efforts. If there is any website that contains information on these efforts, please include it.

IV. Are government regulators considering and/or have they enacted laws, rules or regulations addressing behavioral targeting?

1. No
2. Yes

If "yes", please provide a short paragraph generally describing the efforts. If there is any website that contains information on these efforts, please include it.

V. If you have any other information or observations about behavioral targeting, please provide them:

"In Panama, there is no specific law governing data protection or privacy, and thus, no special requirements are applicable. As a general rule, Section 29 of the Panamanian Constitution states that "the correspondence and other private documents are inviolable and cannot be examined nor retained, but by order from competent authority and for specific purposes, in accordance with legal formalities." While this provision seems to refer to physical documents, its spirit has permeated other sector-specific regulations that aim to protect personal information contained in electronic databases (i.e. Banking Law,

Insurance Law, patient care, credit reporting, etc). As a general rule, personal information may not be disclosed and processed without the prior consent of the incumbent party. This rule is either expressed or implied in many of the legal bodies where privacy rules can be found. However, there are generally no prescribed formalities as to how the consent or notice must be given."

PARAGUAY

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BERKEMEYER
ATTORNEYS AND COUNSELORS

I. Do you perceive that consumers in your country are concerned about behavioral targeting and possible intrusions into personal information about them?

1. Not concerned at all
2. Somewhat concerned
3. Very concerned

II. How thoroughly do you think consumers in your country understand how behavioral targeting is used by marketers?

1. No understanding
2. Some understanding
3. Very informed

III. Has self-regulation addressed issues of behavioral targeting in your country?

1. No
2. Yes

If "yes", please provide a short paragraph generally describing the efforts. If there is any website that contains information on these efforts, please include it.

IV. Are government regulators considering and/or have they enacted laws, rules or regulations addressing behavioral targeting?

1. No
2. Yes

If "yes", please provide a short paragraph generally describing the efforts. If there is any website that contains information on these efforts, please include it.

V. If you have any other information or observations about behavioral targeting, please provide them:

PERU

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EEA Estudio Ehecopar
Abogados

- I. Do you perceive that consumers in your country are concerned about behavioral targeting and possible intrusions into personal information about them?

1. Not concerned at all
2. Somewhat concerned
3. Very concerned

- II. How thoroughly do you think consumers in your country understand how behavioral targeting is used by marketers?

1. No understanding
2. Some understanding
3. Very informed

- III. Has self-regulation addressed issues of behavioral targeting in your country?

1. No
2. Yes

If "yes", please provide a short paragraph generally describing the efforts. If there is any website that contains information on these efforts, please include it.

- IV. Are government regulators considering and/or have they enacted laws, rules or regulations addressing behavioral targeting?

1. No
2. Yes

If "yes", please provide a short paragraph generally describing the efforts. If there is any website that contains information on these efforts, please include it.

- V. If you have any other information or observations about behavioral targeting, please provide them:

There is no relevant information available in our country since the issue has not yet received attention from regulators, companies or consumers.

POLAND

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SOLTYSIŃSKI KAWECKI & SZLĘZAK

- I. Do you perceive that consumers in your country are concerned about behavioral targeting and possible intrusions into personal information about them?

1. Not concerned at all
2. Somewhat concerned
3. Very concerned

Comments:

The majority of consumers are not concerned at all about behavioral targeting and related privacy issues. Individuals are not even aware of such techniques.

- II. How thoroughly do you think consumers in your country understand how behavioral targeting is used by marketers?

1. No understanding
2. Some understanding
3. Very informed

Comments:

Behavioral targeting is a niche topic in Poland. This is the main reason why consumers do not understand how behavioral targeting is used by marketers.

- III. Has self-regulation addressed issues of behavioral targeting in your country?

1. No
2. Yes

If "yes", please provide a short paragraph generally describing the efforts. If there is any website that contains information on these efforts, please include it.

- IV. Are government regulators considering and/or have they enacted laws, rules or regulations addressing behavioral targeting?

1. No
2. Yes

If "yes", please provide a short paragraph generally describing the efforts. If there is any website that contains information on these efforts, please include it.

- V. If you have any other information or observations about behavioral targeting, please provide them:

The Polish market for such advertising is still in nappies, mainly due to the lack of technology and knowledge. Legislator's concerns related to privacy issues around such targeting may also limit the development of this technique in the near future.

PORTUGAL

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I. Do you perceive that consumers in your country are concerned about behavioral targeting and possible intrusions into personal information about them?

1. Not concerned at all
2. Somewhat concerned
3. Very concerned

II. How thoroughly do you think consumers in your country understand how behavioral targeting is used by marketers?

1. No understanding
2. Some understanding
3. Very informed

III. Has self-regulation addressed issues of behavioral targeting in your country?

1. No
2. Yes

If "yes", please provide a short paragraph generally describing the efforts. If there is any website that contains information on these efforts, please include it.

IV. Are government regulators considering and/or have they enacted laws, rules or regulations addressing behavioral targeting?

1. No
2. Yes

If "yes", please provide a short paragraph generally describing the efforts. If there is any website that contains information on these efforts, please include it.

V. If you have any other information or observations about behavioral targeting, please provide them:

RUSSIA

Irina Anyukhina

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A · L · R · U · D
LAW FIRM SINCE 1991

- I. Do you perceive that consumers in your country are concerned about behavioral targeting and possible intrusions into personal information about them?

1. Not concerned at all
2. Somewhat concerned
3. Very concerned

Comments (optional):

Most consumers in Russia are not concerned about behavioral targeting.

- II. How thoroughly do you think consumers in your country understand how behavioral targeting is used by marketers?

1. No understanding
2. Some understanding
3. Very informed

- III. Has self-regulation addressed issues of behavioral targeting in your country?

1. No
2. Yes

If "yes", please provide a short paragraph generally describing the efforts. If there is any website that contains information on these efforts, please include it.

- IV. Are government regulators considering and/or have they enacted laws, rules or regulations addressing behavioral targeting?

1. No
2. Yes

If "yes", please provide a short paragraph generally describing the efforts. If there is any website that contains information on these efforts, please include it.

- V. If you have any other information or observations about behavioral targeting, please provide them:

SINGAPORE

Denise Mirandah

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Email: singapore@mirandah.com

Website: www.mirandah.com



I. Do you perceive that consumers in your country are concerned about behavioral targeting and possible intrusions into personal information about them?

1. Not concerned at all
2. Somewhat concerned
3. Very concerned

II. How thoroughly do you think consumers in your country understand how behavioral targeting is used by marketers?

1. No understanding
2. Some understanding
3. Very informed

III. Has self-regulation addressed issues of behavioral targeting in your country?

1. No
2. Yes

If "yes", please provide a short paragraph generally describing the efforts. If there is any website that contains information on these efforts, please include it.

IV. Are government regulators considering and/or have they enacted laws, rules or regulations addressing behavioral targeting?

1. No
2. Yes

A strong common law tradition exists, as well as appropriately structured statutory provisions to regulate use of personal data in Singapore.

Duty of confidence under the general law may also be used to protect confidential information. There are also sector-specific laws such as the Banking Act, Statistics Act, the Official Secrets Act and the Statutory Bodies and Government Companies (Protection of Secrecy) Act to Protect Personal information. However, Singapore does not have any overarching legislation for the protection of personal data as of date.

Singapore does not have a data protection legislation as yet, but a voluntary, industry-based self regulatory model code called the "The Model Data Protection Code" as developed by the InfoComm Development Authority exists.

As a member of APEC and ASEAN Singapore shares a commitment to harmonised data protection laws in ASEAN by 2015.

- V. If you have any other information or observations about behavioral targeting, please provide them:

Telemarketing is widely practiced in Singapore and there is no provision in Singapore's Constitution to protect consumers from it.

SOUTH AFRICA

Kelly Thompson

Adams & Adams

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Email: kelly@adamsadams.co.za

Website: www.adamsadams.co.za



Adams & Adams

- I. Do you perceive that consumers in your country are concerned about behavioral targeting and possible intrusions into personal information about them?

1. Not concerned at all
2. Somewhat concerned
3. Very concerned

Comments:

Internet literacy in South Africa is relatively low. Nevertheless, we think that, among the Internet users in South Africa, those who are aware, or are made aware, that their personal information is being or has been gathered for the purpose mentioned, would be concerned.

- II. How thoroughly do you think consumers in your country understand how behavioral targeting is used by marketers?

1. No understanding
2. Some understanding
3. Very informed

Comments:

We believe that a reasonable proportion of Internet users in South Africa have some understanding of how behavioural targeting is used by marketers or, at least, that such targeting takes place.

- III. Has self-regulation addressed issues of behavioral targeting in your country?

1. No
2. Yes

If "yes", please provide a short paragraph generally describing the efforts. If there is any website that contains information on these efforts, please include it.

Appendix D of the Advertising Standards Authority of South Africa contains the Code of Ethics of the Direct Marketing Association of South Africa. This Code, through voluntary subscription, aims to regulate direct marketing endeavours by the inclusion of, among others, principles that members undertake to adhere to in respect of the protection of the privacy of consumers.

The Code of Ethics of the Direct Marketing Association can be accessed at http://www.asasa.org.za/Default.aspx?mnu_id=47.

IV. Are government regulators considering and/or have they enacted laws, rules or regulations addressing behavioral targeting?

1. No
2. Yes

If "yes", please provide a short paragraph generally describing the efforts. If there is any website that contains information on these efforts, please include it.

Personal information that has been obtained through electronic transactions is, in terms of legislative instruments enacted to give expression to the right to privacy guaranteed in our Constitution, and protected in terms of our common law, currently regulated in South Africa in terms of the Electronic Communications and Transactions Act 25 of 2002 ("ECT Act") in terms of principles that may be voluntarily subscribed to. The relevant provisions of the ECT Act cover the collection of information for behavioural targeting.

In addition to this current law, the Minister of Justice and Constitutional Development has proposed a draft Bill entitled "The Protection of Personal Information Bill" ("IPP Bill"). This Bill, if enacted, is extensive in scope and will regulate data privacy issued more stringently, including the collection of personal information for behavioural targeting. Subscription to the principles set out in the PPI Bill, is unlike the ECT Act, mandatory.

V. If you have any other information or observations about behavioral targeting, please provide them:

We are not aware of any case law where the collection of personal information for behavioural targeting has been tested under the current legal dispensation. It remains to be seen to what extent this practice will be allowed in terms of the PPI Bill, once enacted, in terms of the interpretation given by our courts to the Bill's exclusionary clauses.

SPAIN

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Website: www.schillerabogados.com



- I. Do you perceive that consumers in your country are concerned about behavioral targeting and possible intrusions into personal information about them?

1. Not concerned at all
2. Somewhat concerned
3. Very concerned

- II. How thoroughly do you think consumers in your country understand how behavioral targeting is used by marketers?

1. No understanding
2. Some understanding
3. Very informed

Comments (optional):

- III. Has self-regulation addressed issues of behavioral targeting in your country?

1. No
2. Yes

If "yes", please provide a short paragraph generally describing the efforts. If there is any website that contains information on these efforts, please include it.

- IV. Are government regulators considering and/or have they enacted laws, rules or regulations addressing behavioral targeting?

1. No
2. Yes

If "yes", please provide a short paragraph generally describing the efforts. If there is any website that contains information on these efforts, please include it.

- V. If you have any other information or observations about behavioral targeting, please provide them:

Of course behavioral targeting is discussed in Spain, however, as of now neither regulations nor jurisdiction exists in this regard.

SWEDEN

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Tel: +46 31 771 21 00

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Email: michael.plogell@wistrand.se

Website: www.wistrand.se



WISTRAND

- I. Do you perceive that consumers in your country are concerned about behavioral targeting and possible intrusions into personal information about them?
1. Not concerned at all
 2. Somewhat concerned
 3. Very concerned
- II. How thoroughly do you think consumers in your country understand how behavioral targeting is used by marketers?
1. No understanding
 2. Some understanding
 3. Very informed
- III. Has self-regulation addressed issues of behavioral targeting in your country?
1. No
 2. Yes

If "yes", please provide a short paragraph generally describing the efforts. If there is any website that contains information on these efforts, please include it.

- IV. Are government regulators considering and/or have they enacted laws, rules or regulations addressing behavioral targeting?
1. No
 2. Yes

If "yes", please provide a short paragraph generally describing the efforts. If there is any website that contains information on these efforts, please include it.

The Data inspection authority checked the chain of supermarkets "ICA" in 2008 and concluded that there were no reasons to prohibit the chain from customizing advertisements to its customers based on historical information of their purchases since the customers had given their consents to the chain to store such information in its database.

- V. If you have any other information or observations about behavioral targeting, please provide them:

SWITZERLAND

Peter Hofer

Frick Hofer Hunziker Partner

Rechtsanwälte

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CH-8024 Zurich

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1. Not concerned at all
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3. Very concerned

- II. How thoroughly do you think consumers in your country understand how behavioral targeting is used by marketers?

1. No understanding
2. Some understanding
3. Very informed

- III. Has self-regulation addressed issues of behavioral targeting in your country?

1. No
2. Yes

If "yes", please provide a short paragraph generally describing the efforts. If there is any website that contains information on these efforts, please include it.

- IV. Are government regulators considering and/or have they enacted laws, rules or regulations addressing behavioral targeting?

1. No
2. Yes

If "yes", please provide a short paragraph generally describing the efforts. If there is any website that contains information on these efforts, please include it.

- V. If you have any other information or observations about behavioral targeting, please provide them:

TURKEY

Ugur Aktekin

Mehmet Gün & Partners

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Email: Ugur.Aktekin@gun.av.tr

Website: www.gun.av.tr



MEHMET GÜN & PARTNERS

- I. Do you perceive that consumers in your country are concerned about behavioral targeting and possible intrusions into personal information about them?

1. Not concerned at all
2. Somewhat concerned
3. Very concerned

Comments:

Since this is a new topic in Turkey developing daily, the Turkish consumers are slowly becoming more conscious and informed about data protection issues. As of today, the Turkish consumers cannot be considered as concerned enough about behavioural targeting. However, this does not mean that none of the consumers in Turkey complain about the issues when their privacy area is derogated; i.e. the complaints can be raised before Telecommunications Institution Chairmanship of the Communications Department.

- II. How thoroughly do you think consumers in your country understand how behavioral targeting is used by marketers?

1. No understanding
2. Some understanding
3. Very informed

Comments:

As the behavioral targeting activities begin to increase in Turkey, the consumers become more conscious about the subject. Following the media coverage on the draft Data Protection Law, they learn such activities may constitute a violation of their privacy and personal rights as well. Therefore they have started to demand transparency in such activities.

- III. Has self-regulation addressed issues of behavioral targeting in your country?

1. No
2. Yes

If "yes", please provide a short paragraph generally describing the efforts. If there is any website that contains information on these efforts, please include it.

IV. Are government regulators considering and/or have they enacted laws, rules or regulations addressing behavioral targeting?

1. No
2. Yes

If "yes", please provide a short paragraph generally describing the efforts. If there is any website that contains information on these efforts, please include it.

The Draft Bill on Data Protection expected to enter into force this year, provides that the collection and operation of data must be in compliance with the law and good faith principles; and the privacy and personal rights of the individuals should definitely be protected during these processes. Besides, the Draft Bill adopts, obtaining the personal data owner's prior consent in principle for the operation of such data (**the opt-in principle**). The Draft Bill also sets forth the incorporation of a special data protection authority namely, "the Personal Data Protection Authority (the "Authority"). The "Authority will keep a personal data register for the personal data and deal with data collection and operation matters. The complaints of the individuals for any non-compliance with this law will be raised before this Authority. Any violation of the provisions set forth in the Draft Bill will be subject to both legal and criminal liabilities.

V. If you have any other information or observations about behavioral targeting, please provide them:

In compliance with the opt-in principle, behavioural targeting is mostly mentioned in the privacy policies of the websites in Turkey. As the behavioural targeting practices increase day by day via certain means of media communication, the consumers become more and more conscious and concerned about this issue whereby they encounter behavioural targeting practices more often in their daily lives. As the Data Protection Law will enter into force soon, the consumers will be more conscious about their privacy and personal rights and this matter will have a solid legal base as well which will increase the efficiency of the opt-in principle for behavioural targeting practices.

URUGUAY

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E-mail: ejimenez@bkzr.com
Website: www.bkzr.com



I. Do you perceive that consumers in your country are concerned about behavioral targeting and possible intrusions into personal information about them?

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2. Somewhat concerned
3. Very concerned

II. How thoroughly do you think consumers in your country understand how behavioral targeting is used by marketers?

1. No understanding
2. Some understanding
3. Very informed

III. Has self-regulation addressed issues of behavioral targeting in your country?

1. No
2. Yes

If "yes", please provide a short paragraph generally describing the efforts. If there is any website that contains information on these efforts, please include it.

- IV. Are government regulators considering and/or have they enacted laws, rules or regulations addressing behavioral targeting?

1. No

2. Yes

If "yes", please provide a short paragraph generally describing the efforts. If there is any website that contains information on these efforts, please include it.

- V. If you have any other information or observations about behavioral targeting, please provide them:

UNITED STATES

Douglas J. Wood

Keri Bruce

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E-mail: kbruce@reedsmith.com

Website: www.reedsmith.com



ReedSmith LLP

- I. Do you perceive that consumers in your country are concerned about behavioral targeting and possible intrusions into personal information about them?

1. Not concerned at all
2. Somewhat concerned
3. Very concerned

Comments:

A poll taken in September of 2008, by the Consumer Reports National Research Center showed that 72 percent of American Consumers were concerned that their online behaviors were being tracked and profiled by companies.

- II. How thoroughly do you think consumers in your country understand how behavioral targeting is used by marketers?

1. No understanding
2. Some understanding
3. Very informed

Comments:

Consumers are becoming more informed about how online behavioral advertising is used, especially due to the attention the topic is receiving from consumer privacy groups and the media.

III. Has self-regulation addressed issues of behavioral targeting in your country?

1. No
2. Yes

If "yes", please provide a short paragraph generally describing the efforts. If there is any website that contains information on these efforts, please include it.

In July of 2009, a coalition consisting of the American Association of Advertising Agencies (4A's), the Association of National Advertisers (ANA), the Direct Marketing Association (DMA) and the Interactive Advertising Bureau (IAB) issued Self-Regulatory Principles for Online Behavioral Advertising (the "Principles") to protect consumer's privacy in ad-supported interactive media that will require advertisers and websites to inform consumers about data collection practices and enable consumers to exercise control of the data collected. The Principles focus on (i) education; (ii) transparency; (iii) consumer control; (iv) data security; (v) material changes; (vi) sensitive data; and (vii) accountability.

A copy of the Principles can be found at:

http://www.iab.net/insights_research/public_policy/behavioral-advertisingprinciples

The advertising industry has also developed an icon to be placed on online advertising to notify consumers of online behavioral advertising practices and policies. The industry is currently conducting outreach to advertisers, publishers and ad networks about the icon and expects to launch a consumer education campaign soon to educate consumers about the icon and how to interact with it.

More information about the icon can be found here:

http://www.iab.net/insights_research/public_policy/behavioral-advertisingprinciples/clear

IV. Are government regulators considering and/or have they enacted laws, rules or regulations addressing behavioral targeting?

1. No
2. Yes

If "yes", please provide a short paragraph generally describing the efforts. If there is any website that contains information on these efforts, please include it.

At the end of 2009, the FTC began holding round table discussions to investigate privacy and data protection on the Internet. Part of this investigation has focused on online behavioral advertising.

V. If you have any other information or observations about behavioral targeting, please provide them:

VENEZUELA

Ricardo Alberto Antequera

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- I. Do you perceive that consumers in your country are concerned about behavioral targeting and possible intrusions into personal information about them?

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2. Somewhat concerned
3. Very concerned

- II. How thoroughly do you think consumers in your country understand how behavioral targeting is used by marketers?

1. No understanding
2. Some understanding
3. Very informed

- III. Has self-regulation addressed issues of behavioral targeting in your country?

1. No
2. Yes

If "yes", please provide a short paragraph generally describing the efforts. If there is any website that contains information on these efforts, please include it.

- IV. Are government regulators considering and/or have they enacted laws, rules or regulations addressing behavioral targeting?

1. No
2. Yes

If "yes", please provide a short paragraph generally describing the efforts. If there is any website that contains information on these efforts, please include it.

- V. If you have any other information or observations about behavioral targeting, please provide them: