ADVERTISING SELF-REGULATORY COUNCIL/COUNCIL OF BETTER BUSINESS BUREAUS

ONLINE INTEREST-BASED ADVERTISING ACCOUNTABILITY PROGRAM

ADMINISTRATIVE DISPOSITION
Case Number: 29-2013

DATE: November 18, 2013

ADMINISTRATIVE DISPOSITION

VOLKSWAGEN OF AMERICA, INC.

Summary:

In cases where a company independently initiates and has made substantial progress to remediate issues before it receives an Accountability Program letter of inquiry, the Accountability Program may exercise its discretion to close the case via an AdministrativeDisposition.

Background:

The Accountability Program observed data collection on the Volkswagen website by third-party companies known to engage in OBA. However, in our review of the Volkswagen website privacy policy, we did not encounter language clearly explaining that Volkswagen allowed third-party OBA activity on the website. Nor did the website provide consumers with an easy-to-use mechanism for opting out of data collection and use for OBA by the third parties we observed. Further, the Accountability Program did not find either a statement of adherence to the OBA Principles on Volkswagen’s website, or an enhanced notice link on any of the Web pages where we observed what appeared to have been third-party collection for OBA.

In response to the Accountability Program inquiry, the company stated that it was already engaged in a systematic review of its Volkswagen privacy policies with the guidance of outside counsel. According to the company, this process included a comprehensive review of the company’s online advertising and data collection practices and those of its vendor and agency partners. Volkswagen explained that at the time it received the Accountability Program’s letter of inquiry, it was on its way to launching an updated website privacy policy that specifically addressed the issues raised in the Accountability Program’s inquiry. That update has now been completed and the Accountability Program has confirmed that the Volkswagen website is now in compliance with the OBA Principles.
The Accountability Program commends Volkswagen for its proactive efforts in bringing its websites into compliance with the OBA Principles. The Accountability Program urges companies to proactively review their compliance with the Principles. If a company discovers that it is not in full compliance, we advise the company to immediately take steps to remediate its non-compliance.

We also note that if a company takes the additional step of promptly notifying the Accountability Program of its non-compliance and its remediation actions, we can work confidentially with the company in question to achieve full compliance. The Accountability Program’s mission is to assist companies to come into full compliance with the OBA and Multi-Site Data (MSD) Principles (collectively, the Principles) through outreach, education and enforcement. Self-identification of compliance issues, notification to the Accountability Program, and cooperation in prompt remediation, demonstrate a company’s commitment to best privacy practices and its support of self-regulation. Such actions also allow the Accountability Program to exercise its discretion to treat the matter confidentially or by Administrative Disposition, as the facts warrant. This has the added benefit of freeing up the Accountability Program’s resources to pursue other investigations.

DISPOSITION

Case closed.

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Online Interest-Based Advertising Accountability Program and Mobile Marketing Initiatives