The Guidance covers three main points:

1. The 2020 Code now requires “clear and conspicuous” notice by “detail[ing] the proposed uses of the data.” The guidance explains that this should take the form of a detailed just-in-time notice, or interstitial, that is provided prior to the use of platform-provided consent mechanisms. This notice should (1) state that the data may be used for advertising purposes, (2) characterize these activities with adequate specificity, such as listing the potential advertising uses of the data (Tailored Advertising, Attribution, and/or Analytics), and (3) state that the data will be shared with partners (if it will be).

2. Many members do not directly interact with consumers and, therefore, rely on reasonable assurances that Opt-In Consent has been obtained on their behalf. Members that have direct technical integrations with a partner should take steps to enable the website or application to provide the previously mentioned just-in-time notice. All members that rely on contractual measures should update their contractual obligations on partners to require detailed notice. Additionally, the Guidance recommends additional technical measures to ensure an auditable consent record.

3. The Guidance clarifies that for certain data types (Precise Location Information, Sensor Data, Sensitive Data, and Personal Directory data, for example), receiving the raw data requires Opt-In Consent. Members that uplevel, model, segment, or otherwise render the data imprecise will still have to obtain Opt-In Consent if the data they receive is in raw form. Real time use of these categories of data will now require Opt-In Consent. Members that receive segmented or imprecise data are not required to obtain Opt-In Consent.