BBB NATIONAL PROGRAMS, INC.

DIGITAL ADVERTISING ACCOUNTABILITY PROGRAM

FORMAL REVIEW
Case Number: 112-2020

COMPANY:
Recovery Centers of America Holdings LLC

CHALLENGER:
Digital Advertising Accountability Program

DECISION
DATE: April 23, 2020

SYNOPSIS

The Digital Advertising Alliance’s (DAA) Self-Regulatory Principles (DAA Principles) are industry-developed, voluntary best practices for privacy for companies engaged in interest-based advertising (IBA). In order to be compliant with the DAA Principles, an operator of a website (a first party) that allows unaffiliated entities (third parties) to collect visitors’ web browsing data for IBA must comply with the enhanced notice requirement of the DAA Principles. Specifically, under section II.B. of the OBA Principles, first parties must post a clear, meaningful, and

1 The DAA’s interest-based advertising principles are embodied in five documents: the Self-Regulatory Principles for Online Behavioral Advertising (OBA Principles), the Self-Regulatory Principles for Multi-Site Data (MSD Principles), the Application of Self-Regulatory Principles to the Mobile Environment (Mobile Guidance), the Application of the Self-Regulatory Principles of Transparency and Control to Data Used Across Devices (Cross-Device Guidance), and Application of the Self-Regulatory Principles of Transparency & Accountability to Political Advertising. These documents may be found online at http://www.aboutads.info/principles.


3 See OBA Principles Definition J at 11 (“An entity is a Third Party to the extent that it engages in Online Behavioral Advertising on a non-Affiliate’s Web site.”).
prominent link to a disclosure on any web page through which IBA data is collected. This disclosure should explain the IBA activity occurring on the first party’s site, provide consumers with a means to opt out of IBA, and state the website has chosen to adhere to the DAA Principles.

COMPANY STATUS

Recovery Centers of America Holdings LLC (RCA) is headquartered in Pennsylvania. It operates substance abuse treatment centers in Maryland, Massachusetts, New Jersey, and Pennsylvania.4

INQUIRY

This case arises from the Accountability Program’s regular monitoring activities. During our review of websites for compliance with the DAA Principles, we observed that RCA’s website (www.recoverycentersofamerica.com) allowed third parties to collect users’ data for use in IBA without providing enhanced notice to these users as required under the OBA Principles. This prompted a full examination of RCA’s compliance with all applicable requirements of the DAA Principles.

The Accountability Program first looked for an enhanced notice link on RCA’s website. At the time of our review, we found a link in the company’s website footer entitled “Privacy Policy.” When clicked, the link directed us to the top of the company’s privacy policy page.5 We then looked for a link, separate from this “Privacy Policy” link, that would direct us to a disclosure of the third-party IBA activity occurring on RCA’s website. However, we could find no such link.

The Accountability Program then read RCA’s privacy policy page. We searched this page for the presence of a compliant IBA disclosure. We did not find any language on this page or any other page that would satisfy the notice requirement under the DAA Principles. Further, we found neither a link to an industry-developed opt-out page nor list of third parties with corresponding opt-out links. Finally, RCA’s disclosures did not include a statement of the company’s adherence to the DAA Principles.

Following our review, the Accountability Program sent an inquiry letter to RCA detailing this activity and invited RCA to choose to comply with the DAA Principles.

ISSUES RAISED

I. Notice of website data collection for IBA

First-party duties under the OBA Principles are set out in section II.B. According to this section, if first parties allow third parties to collect visitors’ browsing data for use in IBA on their websites, or if they transfer such data to third parties for tailoring ads on non-affiliate websites,

they must provide consumers with appropriate transparency and an opportunity to exercise control over IBA. A first party must include a disclosure somewhere on its website that describes the IBA activity occurring there. This disclosure must contain either a link to an industry-developed consumer choice page (such as http://aboutads.info/choices) or a list of every third party conducting IBA activity on the first-party website. Additionally, a first party must state its adherence to the DAA Principles on its website.

II. Enhanced notice of website data collection for IBA

Most significantly, the OBA Principles require first parties to provide consumers with real-time “enhanced notice” when third parties are collecting or using data for IBA on a first party’s website. This real-time indicator must be in the form of a “clear, meaningful, and prominent” link that directs consumers to the first party’s IBA disclosure, not just to the top of a privacy policy. In addition, this link must be distinct from the company’s privacy policy link and must appear on every page where data collection or use for IBA occurs on the first party’s website. The link may be provided directly by the first party or by one of the third parties active on its website.

COMPANY RESPONSE AND ANALYSIS

RCA responded to our inquiry by conducting a thorough review of its compliance with the DAA Principles. As the culmination of this process, RCA revised its website to meet the standards set by the DAA Principles. To start, the company voluntarily added an enhanced notice link labeled “Interest Based Ads Policy,” which is separate from its “Privacy Policy” link, on each page of its website where third parties collect information for IBA. This link takes users directly to a new page that describes the third-party IBA activity occurring on RCA’s site and includes a link to the DAA’s WebChoices tool and the Network Advertising Initiative’s Consumer Opt Out tool. This page also includes a statement of adherence to the DAA Principles.

---

6 OBA Principles § II.B. at 13–14.
7 Id.
8 Id. We note that when first parties choose to list third parties individually, the Commentary to the Consumer Control Principle instructs companies that “choice should be available from the Third Party(s) disclosure linked from the page where the Third Party is individually listed.” OBA Principles Commentary at 35.
10 OBA Principles Commentary at 32 (“The Principles also state that the Web sites at which Third Parties are collecting data for Online Behavioral Advertising purposes should include a new clear, meaningful, and prominent link on their Web sites when Third Parties do not provide the notice described in II.A.(2)(a). This would link from the Web page where data is collected to specific language in a disclosure. If the disclosure language is in the privacy notice, the link should go directly to the relevant section of the privacy policy where the disclosure is located and not just generally to the privacy policy.”).
11 First Party Enhanced Notice Compliance Warning at 3.
CONCLUSION

RCA’s website now complies with the OBA Principles. By providing a complete IBA disclosure—including links to industry-developed opt-out tools—and enhanced notice links on every page where user data is collected, RCA’s website conforms to the Transparency Principle.

The Accountability Program appreciates RCA’s cooperation during our inquiry process, and we commend the company’s commitment to consumer privacy and industry self-regulation.

COMPANY’S STATEMENT

Recovery Centers of America regards online privacy and the responsible collection and security of consumer data as paramount in our business. Recovery Centers of America always has and always will align ourselves with transparency and protecting consumer data. We welcome guidance from BBB National Programs, Inc. on how to make it easier for consumers to manage their privacy and welcome the further adaptation of their guidance across other companies within and outside healthcare.

DISPOSITION OF DECISION

Practices voluntarily corrected.

Jon M. Brescia  
Vice President  
Digital Advertising Accountability Program