

Meeting: TCF Governance Board

Date and Time: Thursday 8th April 2021 at 13:00 (CET)

Venue: Conference call

Present: Grant Nelson (Xandr) (Chair)

Ben Barokas (Sourcepoint)	Benoit Oberlé (Sirdata)
Robert Blank (Media Impact Axel Springer)	Thomas Peruzzi (Virtual Minds)
Simen Breen (Schibsted)	Dominik Rabiej (Google)
Romain Gauthier (Didomi)	Stevan Randjelovic (GroupM)
Ben Humphry (Huawei)	Markus Rhul (Publicis Groupe)
Jaakko Kuivalainen (Sanoma)	Kate Teh (The Telegraph)
Matthias Matthiesen (Quantcast)	

Board Observer:

Magda Bublewicz (IAB Poland)	Alex Cone (IAB Tech Lab)
Christie Dennehy-Neil (IAB UK)	Nina Elzer (EACA)
Petri Kokkonen (IAB Finland)	Leigh Freund (NAI)
Luc Vignon (IAB France)	Conor Murray (EGTA)

In attendance:

Townsend Feehan (CEO, IAB Europe, Managing Organisation)
Thomas Mendrina (Chair, TCF Steering Group)

Anne Goodman – Secretariat (IAB Europe)

The Chair opened the meeting with a brief welcome.

Update Observer seats

Observers seats – European regional-level advertising industry associations – CEO MO Townsend Feehan. Following a call issued by the MO for expression of interest for the 4 observer seats the MO was pleased to introduce 3 associations who had expressed interest and welcome them to the board.

- Connor Murray, Head of Regulatory Affairs, EGTA
- Nina Elzer, Senior Public Affairs Manager, EACA
- Leigh Freund, President & CEO, NAI

The Board asked the MO to confirm the approval process for the observer seats. The Secretariat clarified that the Governance Framework, which describes the composition and role of Board including observer seats and the tasking of the MO to draft a Memorandum of Understanding (MoU) that specifically guided the participation of European-level advertising associations Board. The MoU exists between the IAB Europe Board and the European regional-level advertising industry associations. The MO was charged with following this process which it has duly done.

MO presentation- Overview and understanding of the impact of various technological developments in the context of 3rd party cookie deprecation on the TCF

The secretariat clarified that going forward the agenda would include a standing item that would comprising a “deep-dive” informational presentation on an area of work that the MO was leading. This informational would be an opportunity for the Board to gain deeper insight into aspects of the TCF that they may not be across in detail.

The presentation raised a number of questions. Including the opportunity to single out one or two solutions and look at ways to get the TCF to the forefront of these solutions. The Board questioned if the TCF could be positioned as the consent management opportunity alongside these solutions? Specifically, for publishers, who were implementing personalised identifiers, and could use the TCF to provide a consent solution as opposed to developing an “owned and operated” version.

Action: Dominik agreed to facilitate more direct engagement with Google

Managing Organisation update (PAPER3 01-04-21) – Update introduced by the Chair. The update was circulated to the Board prior to the meeting

Dispute resolution panel – the Board asked that the MO continue to look for panel members that reflected diversity and also, as raised at the Q1 meeting, a broad geographically reach.

Action: next meeting to include a presentation on the insights gathered by Zulu 5

Steering Group Update (PAPER 2 01-04-21) – Chair of SG Thomas Mendrina Thomas presented the update from the SG and its working groups (WG) on recent TCF developments that the SG oversaw. The update was circulated to the Board prior to the meeting.

TCF Governance Board voting seats – all voting seats on the TCF Governance Board have now been filled by the SG and it was agreed, by the SG that the process for the selection of voting seats had been correctly followed. The SG Chair indicated that following Board comments at the Q1 meeting in January the SG would likely review the bucket criteria - timing of this was TBD.

The secretariat confirmed that the Board elections followed a 2-year term in sync with the SG Chair election therefore the next election of the Board would take place July 2022.

Belgium DPA (APD) procedure on TCF and IAB Europe (PAPER 4 01-04-21)

The CEO of the MO, Townsend Feehan, presented a comprehensive review of the timelines and key milestones, described in paper 4, with regard to the Belgium DPA's investigation into IAB Europe. The updated noted that on March 25 IAB Europe submitted written observations on a submission made by the complainants at who behest the DPAs Inspection Service began the investigation two years ago. The next step will be a hearing before the Litigation Chamber. The date for this had not yet been communicated but could be April or May. Post this event IAB Europe advised that the Litigation Chamber is expected to prepare a draft ruling during the summer or early autumn and share it with other EU DPAs ("concerned authorities") *Note: who will review it under the "Cooperation Procedure" foreseen in Articles 60-62 of the GDPR and may submit "substantiated objections" to aspects of the draft ruling.*

The MO highlighted that the complainants' ignored the Inspection Service's original report that in principle should be addressed and responded to in their submission. Their document includes the assertions that OpenRTB is inherently illegal, that the TC string constitutes personal data (a unique identifier) that IAB Europe processes as a data controller, and that the TC string is illegal because it pursues an illegal purpose, which is to make OpenRTB GDPR-compliant. The complainants request that, as a remedy, IAB Europe be prohibited from operating the TCF.

In its reply to the complainants' submission, amongst other points, IAB Europe highlighted the degree to which completely new elements, which did not figure in the Inspection Service's initial report, were included in the submission and asserted that this constituted a breach of IAB Europe's rights of defence.

Following a question from the Board as to why IAB Europe had not attempted to reach a settlement with the APD in response to the current enforcement action, the MO advised that the IAB Europe had a good working relationship with the Authority but was mindful of appearing to improperly influence the course of the investigation. The MO noted that APD is a young authority that is currently in turmoil, with hearings having been held in the Belgian Parliament last autumn in connection with allegations of corruption and a challenging work environment. The President of the APD is keen to demonstrate his independence from industry. This makes the situation delicate, and any perception that IAB Europe is seeking to deviate from the formal procedure risky. In conclusion the Board was in agreement with the MO that it was inappropriate for IAB Europe to exert any untoward influence on the APD.

The MO proposed that the review of the draft APD ruling by other DPAs under the cooperation procedure may be the best opportunity to ensure the content of

the final decision is based on an informed position. The MO has therefore drafted a short briefing document for National IABs to use and asked them to contact their local authorities and provide an update.

It was agreed that the complainants' submission and IAB Europe's reply, as well as the draft note that had been prepared for National IABs, would be circulated to the Board for information and that the MO would continue to update the Board on the process as the timelines became clearer.

Action: MO to circulate submissions and the guidance on outreach to local DPAs that individual Board members could support

Widening participation in the governance board

This open discussion was led by the Chair of the TCF Governance Board. The Board had previously highlighted the importance of widening participation specifically with reference to the inclusion of advertisers and agency. The discussion suggested that the current 3 bucket paradigm could be expanded to include an advertiser bucket. The discussion was open but not conclusive.

Other business

Matthias Matthiesen announced as he was leaving Quantcast he would be stepping down from the Board position and this meeting would be the last he attended. The Board was in complete agreement that Matthias's contribution to the TCF was extensive and his departure from the Board and the TCF was a great loss.

Next meeting

The next meeting of the Board would be Q3 2021 and in line with the current cadence this would be in July the first month of Q3. A 'doodle poll' will be distributed to determine the best date.

Close

The Chair thanked the Board for a constructive and engaging meeting.

The meeting closed at 15:00 CET