

**Dated:** 03 June 2024

**Subject:** TCF v2.2 Policies amendments: introduction of new Special Purpose 3 - "Save and communicate privacy choices"

Dear TCF Vendors and CMPs,

In order to continue helping players in the online ecosystem comply with certain requirements of the ePrivacy Directive and the GDPR in line with the expectations of regulators, the Transparency & Consent Framework (TCF) Steering Group has approved a new iteration to the Framework.

On 7 March 2024, [the Court of Justice of the European Union \(CJEU or Court\) rendered its judgement in case C-604/22](#), which concerned two sets of questions on the interpretation of the General Data Protection Regulation (GDPR) that had been raised by the Belgian Market Court in a case between IAB Europe and the Belgian Data Protection Authority (APD). The ruling establishes that TC Strings may constitute personal data if certain circumstances are met, in particular if it can be associated with other identifiable data points that may make it possible to identify the individual concerned with reasonable means.

To accommodate the reasoning provided by the CJEU, the TCF Working Groups have developed a new "Special Purpose 3" intended to facilitate how TCF participants establish a legal basis for processing users' privacy choices recorded in the form of a TC String - when participants consider the latter to be personal data from their perspective.

This iteration is built on the measure that was proposed in the ["action plan" that was submitted to and validated by the Belgian Data Protection Authority \(APD\)](#) to comply with the finding that TC Strings may qualify as personal data under the GDPR, and therefore a legal basis for their processing is required.

### **TCF v2.2 main policies amendments**

#### **1. Inclusion of Special Purpose 3 ("Save and communicate privacy choices") to the TCF purposes taxonomy (see [here](#))**

This purpose is notably intended to cover the processing of TC Strings to verify the consent and/or objection status of a Vendor and/or Purpose in order to respect users' privacy choices. Vendors can choose to declare this purpose at registration level, subject to having conducted and documented a legitimate interest assessment (LIA) that demonstrates users' interests and fundamental rights do not override the legitimate interests pursued.

#### **2. New secondary layer UI requirement for CMPs (see [here](#))**

Appendix B: User Interface Requirements D. Specific Requirements for Framework UIs in Connection with Legitimate Interests

*c. When providing transparency about Purposes, Special Purposes, Features, Special Features and Vendors in connection with a legitimate interest for the same, a single secondary layer must be provided that allows the user to: (...)*

*VII. review where applicable the storage and access information relating to the CMP's recording of Signals, including the maximum device storage duration.*

### **3. Policies versioning**

The Policies version has been incremented from 4.0.a to 5.0. The new Policies can be found [here](#).

#### **Implementation timeline**

- **3 July 2024: deadline for Vendors to update their GVL registration**

Vendors can declare Special Purpose 3 by logging-in to the GVL registration portal [here](#) that has been updated with the new special purpose 3 (If you don't see your existing data in the portal, clear your cache or log-in using a different browser).

Special Purpose 3 and Vendors' declarations of Special Purpose 3 will start being reflected in the [Global Vendor List](#) (GVL) and [corresponding translations](#) as of Thursday 4 July 2024.

- **4 October 2024: deadline for CMPs to implement the new policies**

The new Policies do not require CMPs to resurface the Framework UIs. After 4 October 2024, new TC Strings must be created under the policies version 5. TC Strings created before 4 October 2024 under the policies version 4 will remain valid.

CMP Framework UIs will not need to apply for re-validation. Compliance with the new requirements will, however, be verified as part of IAB Europe's regular monitoring of CMPs' live installations as of the implementation deadline.

#### **Supporting material for TCF participants**

To support TCF participants in understanding this new iteration, the TCF instances have developed dedicated material:

- **FAQs on Special Purpose 3: see FAQs n°8 and n°15 [here](#)**
- **Practical guide to carrying out a Legitimate Interest Assessment (LIA) [here](#)**

This document was elaborated to support TCF participants conduct their own and objective analysis when they intend to pursue the processing covered by Special Purpose 3 under the legitimate interest legal basis. It breaks down the various assessments that they should carry out for each part of the "three-part test" that is required to demonstrate and document that legitimate interests apply.

If you have any additional questions please email [framework@iabeurope.eu](mailto:framework@iabeurope.eu)



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