

**BEST PRACTICES REGARDING THE FAIR USE  
OF ADVERTISING COOKIES**



Groupement  
des Editeurs  
de Services  
en Ligne

**GESTE**



*This Guide has been drafted with the assistance and under the coordination  
of Etienne Drouard, Partner at K&L Gates LLP (Paris office)*

## Preamble

A [French Ordinance passed on August 24, 2011](#)<sup>1</sup> has amended [Article 32.II of the French data protection law of January 6, 1978](#)<sup>2</sup>—establishing a new legal framework for cookies.

Under the auspices of the UFMD and with the support of Mrs. Nathalie Kosciusko-Morizet, the French minister for the Digital Economy, 10 French professional associations adopted a Code of Conduct on "[Targeted Advertising and the Protection of Users](#)"<sup>3</sup> signed on September 30, 2010. UFMD-member professional associations and their partners have now come together to create this guide (the "**Guide**") describing the practical details of implementing this new Article 32.II.

This re-wording of Article 32.II seemed to them to be the best way to take into account the diversity of technological solutions and methods that the various stakeholders in online targeted advertising are likely to implement.

This Guide is intended to assist stakeholders with the proper implementation of this new legal framework and to coordinate the actions they can take in such implementation.

The new Article 32.II of the 1978 law allows professionals to choose solutions that enable users to decide on whether or not they would like to receive targeted advertising. This guide provides a non-exhaustive list of all existing or future means available to professionals to fulfill their legal obligations.

The professional associations have chosen to focus on two forms of targeted advertising directly affected by the new Article 32.II of the 1978 Act regulating the use of cookies which the French data protection authority has defined as:

- "behavioral" advertising, meaning advertising that is customized based on the browsing data of unidentified or unidentifiable users by the cookie issuer or a third party that may have access to the browsing data associated with a cookie;<sup>4</sup> and,
- "customized" advertising, meaning advertising that is customized based on the browsing data of identified users by the cookie issuer or a third party that may have access to the browsing data associated with a cookie.

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<sup>1</sup> Ordinance No. 2011-1012 of August 24, 2011 on electronic communications, Official Journal of the French Republic No. 0197 of August 26, 2011 page 14473, text No. 49, <http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000024502658>.

<sup>2</sup> Article 32.II of the French data protection law No. 78-17 of January 6, 1978 as amended, <http://www.legifrance.gouv.fr/affichTexteArticle.do?idArticle=LEGIARTI000024506226&cidTexte=LEGITEXT000006068624>.

<sup>3</sup> [http://www.ufmd.org/telechar/20100929UFMD\\_v26\\_final.pdf](http://www.ufmd.org/telechar/20100929UFMD_v26_final.pdf)

<sup>4</sup> Point 1.2 (page 7) of the [Code of Conduct on "Targeted Advertising and the Protection of Users" of September 30, 2010](#).

The following professional associations have adopted this Guide on the legal framework of advertising cookies:



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**This Guide has been published on April 10, 2012. It is available on the website of the UFMD, [www.ufmd.org](http://www.ufmd.org), as well as on the websites of the participating associations :**

1. **AACC**, Association des Agences Conseil en Communication, 200 members - [www.aacc.fr](http://www.aacc.fr)
2. **ARPP**, Autorité de Régulation Professionnelle de la Publicité, 650 members - [www.arpp-pub.org](http://www.arpp-pub.org)
3. **FEVAD**, Fédération E-commerce et Vente A Distance, 550 members - [www.fevad.com](http://www.fevad.com)
4. **GESTE**, Groupement des Editeurs de Services en ligne, 120 members - [www.geste.fr](http://www.geste.fr)
5. **IAB France**, Internet Advertising Bureau France, 160 members - [www.iabfrance.com](http://www.iabfrance.com)
6. **SNCD**, Syndicat National de la Communication Directe, 140 members - [www.sncd.org](http://www.sncd.org)
7. **SRI**, Syndicat des Régies Internet, 26 members - [www.sri-france.org](http://www.sri-france.org)
8. **UDA**, Union des Annonceurs, 300 members - [www.uda.fr](http://www.uda.fr)
9. **UDECAM**, Union Des Entreprises de Conseil et Achat Media, 20 members - [www.udecam.fr](http://www.udecam.fr)
10. **UFMD**, Union Française du Marketing Direct & Digital, [www.ufmd.org](http://www.ufmd.org)

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## Part 1: Guidance on the legal framework

A cookie is a text file that can be stored in a data terminal whenever an online service is viewed with a web browser. Throughout the duration of a cookie's validity, it allows its issuer to identify the data terminal being used every time the data terminal accesses digital content containing cookies issued by the same issuer.

The use of cookie files and similar processes is governed by The new [Article 32.II of the French data protection law](#)<sup>5</sup> as inserted by Article 37 of [Ordinance n° 2011-1012 of August 24, 2011](#)<sup>6</sup> governs the use of cookie files and similar processes. It reads as follows:

*"Any subscriber or user of an electronic communication service shall be informed in a clear and comprehensive manner by the data controller or its representative, except if already previously informed, of:*

- the purpose of any action intended to provide access, by means of electronic transmission, to information previously stored in their electronic connection terminal device, or to record data in this device;*
- the means available to them to object to such action.*

*Such access or recording may only be carried out provided that the subscriber or user has explicitly expressed, after receiving said information, their agreement that may result from appropriate settings in their connection device or any other system under their control.*

*These provisions shall not apply if the access to data stored in the terminal device of the user or the recording of information in the terminal device of the user is:*

- either exclusively intended to enable or facilitate communication by electronic means; or*
- strictly necessary for the provision of an online communication service at the user's express request."*

This Guide outlines the scope of application of these new regulations as well as that of this Guide itself (Point A - Scope of the law and of this Guide, on page 7). It then goes on to describe the various means available to professionals to:

- inform Internet users (Point B - Informing users, on page 8),
- offer people the opportunity to make their choice regarding cookies (Point C - Allowing users to express their choices, on page 12),
- consider any potential linking of personal data and browsing data and the protection of a person's individual rights against such linking (Point 5 below, on page 23).

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<sup>5</sup> <http://www.cnil.fr/en-savoir-plus/textes-fondateurs/loi78-17/#article32>

<sup>6</sup> <http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000024502658>

## A - Scope of the law and of this Guide

### 1. THE GEOGRAPHICAL COVERAGE

In accordance with [Article 4 of Directive 95/46/CE](#)<sup>7</sup> and [Article 5 of the French data protection law](#)<sup>8</sup>, the provisions of Article 32.II apply to issuers of cookies:

- established in France, for cookies set to contain or be associated with the personal data of an identifiable user,
- established throughout the world, for cookies not likely to contain or be associated with personal data in the event that Article 32.II were to be upheld by French judges as a rule of international law and order.

### 2. COOKIES COVERED BY THE EXCEPTIONS PROVIDED FOR IN ARTICLE 32 II

Article 32.II includes two sets of exceptions to the obligation to inform the user about cookies and the resulting respect of such user's choice.

These exceptions are described in paragraphs 5 and 6 of Article 32.II and provide that cookies which are necessary for any kind of electronic communication requested by a user, or cookies that facilitate such communication, are exempt from the obligation to inform and users can therefore be denied the option of expressing a choice.

The professional associations consider that cookies which are necessary to measure the anonymous traffic and use of an online service with regard to a particular data terminal fall under this scheme. Examples would be the measuring of usage and traffic statistics.

Thus, these rules do not protect the privacy of non-discernible and anonymous users. This is actually quite essential as it enables stakeholders to measure the size of their audience and to establish reliable statistics on internet traffic.

#### **Cookies eligible for the exception provided for in Article 32.II are cookies that:**

- establish internet traffic statistics,
- count the number of browsers (or "unique visitors") that have connected,
- track clicks on any online service,
- store log-in or identification information during a visit to an online service (session cookies, shopping carts, ongoing formalities, etc.),
- customize the content of an electronic service to the display settings of a data terminal.

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<sup>7</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31995L0046:FR:HTML>: Directive 95/46/EC of the European Parliament and of the Council of October 24, 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data, OJEC L281 of November 23, 1995, p.31.

<sup>8</sup> <http://www.cnil.fr/en-savoir-plus/textes-fondateurs/loi78-17/#Article5>

### **3. THE PURPOSE OF THIS REGULATORY GUIDE**

This Guide focuses on the use of cookie files in order to customize advertisements based on the browsing data of users' data terminals whenever such terminals use "communication services available to the public by electronic means". This includes websites, mobile websites, mobile applications, etc.

It also addresses other ways cookies are used and provides an overview of methods used to inform people about cookies and the various ways they can exercise their choice to accept or reject cookies, including in cases where the Article 32.II does not require that a person be notified.

## **B - Informing users**

Article 32.II requires that users be informed in a "clear and comprehensive manner" about cookies that are not covered by the exemption described in point 2 above on page 7. In particular, users must be informed of the intended purpose of the use of cookies and information on an individual's right to object to a cookie being stored on their data terminal that is "unnecessary" to online communication.

What does that mean exactly? Who actually notifies users? At what point are they informed? What device is used to inform them? Where? How? What information are they provided?

The professional associations decided to prepare a document to guide their members on the application of this new law as it raises several questions that the signatory professional associations feel it is important to analyze and respond to as effectively as possible (see Part 2 : Practice Guide, on page 15).

### **1. INFORMING USERS THROUGH THE BROWSER**

#### **1.1 When and how users are informed**

The timing and extent of the notification of a user results from such user's browser and is based on a global standard set up by the IETF<sup>9</sup> in 1994 and used by all web-browsing software intended for the global market.

The timing and extent of such notification does not result from anything done by the issuer of a cookie, which has no control over the issue. The timing and extent depend on the browser and the user. Indeed, in accordance with the global standardization of cookies, a cookie is only issued if a user chooses to allow it by choosing certain data settings in the user's browsing software.

Normally, a browser informs users by showing a pop-up window when a cookie is issued to a data terminal.

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<sup>9</sup> IETF: Internet Engineering Task Force.

## 1.2 How browsers currently inform users

In general, the browser software informs users about:

- (what) the contents of the cookie,
- (who) the technical identifier of the server issuing the cookie, providing the user with information on whether the cookie is from the website they are visiting or a from a third party,
- (how long) the duration of the cookie's validity if the cookie is not deleted by the user,
- (consequences of refusal) the potential consequences of a refusal by the user to allow a cookie to be stored on the user's data terminal used to track the user's browsing habits.

As interesting and useful as these four categories of information are, they are in no way required by the "ePrivacy" Directive, nor by the new Article 32.II. However, since 1994, such information has been provided worldwide whenever cookies are used.

This way of informing the user by way of the browser does not allow the issuer of a cookie:

- to specify the purpose of using cookies: storing user names and passwords, the contents of a forms filled out by the user, providing user statistics, online behavioral advertising, personalized advertising, etc.,
- to distinguish between cookies actually required for browsing, and cookies used to facilitate browsing, from amongst all the cookies that are issued.

As it stands, and as noted by the French data protection authority in an article published on its website on October 26, 2011, this method of informing users does not seem, by itself, to satisfy a literal interpretation of the provisions of paragraph 1 of the new Article 32.II on informing individuals. At the time its article was published in 2011, the CNIL stressed that the various measures it was suggesting could not be implemented immediately, especially with regard to the providers of browsing software over which the Commission has no restrictive power.

## 1.3 As a result...

The globally accepted way that browsing software informs users is not the only means of notifying users about the purpose of using cookies. However, browsing software does not allow cookie issuers to communicate directly to users in order to inform them of the purpose of using cookies and the user's individual rights.

Cookie issuers can, however, compensate for errors in browsing software in order to comply with European and French rules adopted in November 2009 and August 2011 respectively.

Cookie issuers can use other methods to inform users which do not rely on the content of the informational windows provided by browsers nor on the data options selected by users via such software. Specifics on these additional methods are listed in this Guide.

## 2. WHO INFORMS USERS?

Just as Article 5.3 of the "ePrivacy" Directive adopted in 2002 and amended in 2009 does not assume that a cookie necessarily contains or is necessarily associated with personal data, neither does the new Article 32.II.

This approach reflects the diversity of various ways in which cookies are used.

Indeed, as set forth in paragraph 1 of Article 32.II, the obligation to inform users is on either:

- **the "personal data controller"** or the representative of such controller, as soon as a cookie contains or is associated with personal data. If necessary, this "data controller", i.e. the issuer of the cookie, is required to inform the user of the purpose of the cookie and the rights available the user with respect to the storage or modification of the cookie in the user's data terminal prior to the such storage or modification; or
- **the issuer of a cookie** which does not contain or is not associated with personal data.

The European rules to which Article 32.II responds are aimed at protecting users' privacy in relation to cookies and the processing of browsing data from their data device, even if no personal data is compiled. Accordingly, the obligations of cookie issuers are the same, regardless of whether the cookies are associated with personal data or not.

## 3. WHEN?

The new Article 32.II does not require cookie issuers to inform users immediately before the storage or modification of a cookie, it requires them to inform users at any time prior to or concurrent with the issuing of a cookie.

The period prior to a cookie being stored in a data terminal is considered as the moment preceding a user accessing a web page or any other means of electronic communication containing a cookie.

It is impossible for a cookie issuer to inform a user about the existence and purpose of a cookie, so long as that user does not access the medium of electronic communication (editorial site, online shop, content advertising) that contains a cookie.

Accordingly, the statutory requirement that users be informed prior to the use of a cookie may result in a user being constantly notified. There are also additional ways of informing users,

- upon the issuer's use of a cookie at any time for the purposes of targeted advertising and
- accessible using the means of electronic communication (website, advertising, etc..) operated by that issuer.

#### 4. **WHERE AND HOW SHOULD USERS BE INFORMED?**

The professional associations believe that as a good practice, users should preferably be informed by the means of electronic communication that contains the cookies.

##### 4.1 **By the web service the user is browsing**

For cookies issued by a website or mobile application accessed by the user, a link to another section of the site or service covering the respect for privacy should appear on the home page. This section should be dedicated to cookies and the customization of the advertising content they provide, whether this customization takes the form of online behavioral advertising (from browsing data) or personalized advertising (from personal data).

These situations are addressed in Part 2 : Practice Guide, in points 1.3 below on page 18 and 1.5 below on page 20.

##### 4.2 **On advertising space and through its content**

The professional associations recommend that when using a cookie for targeted advertising, users should be informed in a readily available manner from within the digital content itself or placed near an advertisement placed by a third party (external advertiser or advertising agency) associated with the cookie. In practice, this notification of the user can be hosted:

- on the site of an external advertising agency operating the advertising space containing cookies with such notification being accessible from the advertising space;
- on the site of an advertiser issuing cookies attached to its advertising content.

These situations are addressed in Part 2 : Practice Guide, at points 1.4 below on page 19, 1.5 below on page 20, 2 below on page 21, 3 below on page 22 and 4 below on page 23.

##### 4.3 **The matching of personal data with browsing data**

In the event that a hypothetical company A were to collect personal data and that data were matched to browsing data from cookies issued by company B, the notification of users should be done by the controller of personal data, i.e. company A.

These situations are addressed in Part 2 : Practice Guide, at point 5 below on page 23.

#### 5. **INFORMATION CONTENT AND CLARITY**

The new Article 32.II does not specify the exact information to be brought to the attention of the user.

In accordance with Recommendation No. 2 of the UFMD Code of Conduct on targeted advertising, the examples in Part 2 : Practice Guide, on page 15 should be referenced in order to make the following information known.

The professionals involved should endeavor to provide clear information, dissociated from the conditions of sale or the use of the service they provide, with an emphasis on cookies that may be used for the purposes of targeted advertising. This information may include:

- the existence and purpose(s) of the cookies used,
- the type of data compiled (browsing data and/or personal data),
- the processes used for data compilation,
- the categories of issuers of the various types of cookies used,
- the user's ability to accept or to reject the storage of the cookie in the user's data terminal,
- criteria on the retention of browsing data or the duration of the retention of browsing data in the absence of any intervention on the part of the user.

## 6. **INFORMING USERS ON DELETING COOKIES**

Neither Article 32.II of the French data protection law, nor Article 5.3 of the amended "ePrivacy" Directive, require that the user be informed about the ways in which a cookie stored in the user's data terminal can be deleted.

Nevertheless, operators using cookies for online targeted advertising are free to inform users on how to delete cookies. This information may be available to users permanently.

Finally, in accordance with Recommendation No. 5 of the UFMD Code of Conduct on the "right to the erasure of data" as concerns cookies, operators of targeted advertising must set a period of validity of the cookies used for targeted advertising which is proportionate to their purpose.

## **C - Allowing users to express their choices**

Article 32.II provides that a user's agreement to the storage of a cookie *"may result from the related settings of the internet connection device or any other device under the user's control."*

A user's acceptance can only be considered certain by way of the options provided in the browsing software which manages the technical communication involved in the acceptance or rejection of a cookie between the user's data terminal and the cookie issuer.

The alternative suggested by Article 32.II relating to *"any other device under the user's control"* appropriately recognizes the possibility for professionals to individually or collectively implement other ways for the users to express their choice.

Under the new regulation, users must be provided simple ways to express to cookie issuers their agreement or refusal on the storage or modification of a cookie in their data terminal.

Article 32.II does not specify such methods.

Professionals have developed efficient and economically viable solutions which allow users to express their choice to cookie issuers. Certain solutions were mentioned in the UFMD Code of Conduct on targeted advertising (Recommendation 2). There are also other mechanisms that exist which have been cited by the French data protection authority, for example when the user makes a choice when accessing a service.

The legislature, meanwhile, has said that all solutions and technological advancements can be used in the expression of a user's choice, provided that users retain the ultimate control of such choice.

### **In practice,**

Users have simple ways to generally accept or specifically reject the storage of cookies on their devices (computer, smartphone, etc.) which are used for targeted advertising, either permanently or from time to time. Thus, a user's expression of choice may be expressed by one of the following methods (non-exhaustive).

#### **1. THROUGH THEIR CONNECTION DEVICE (E.G. BROWSER)**

On the basis of information provided to them users can express their choice through their browser settings. This either allows or prohibits the storage of cookies to be used for purposes of targeted advertising on their data terminal (computer, smartphone, etc.).

#### **2. OTHER METHODS UNDER THE USER'S CONTROL**

##### **2.1 Online initiatives**

Several initiatives are available online that allow users to express their choice regarding cookies and targeted advertising. These may be specific to a given operator or common to several national and international operators.

These initiatives allow users to completely or partially accept or reject cookies from a particular issuer that are used for targeted advertising. Initiatives of this type are directly accessible from any site or advertising content (icon, hyperlink) operated by the cookie issuer concerned.

##### **2.2 Files and software that save their choice to their data terminal**

Other solutions compatible with data terminals and browsers allow users to configure and store their choices regarding cookies in a file or on software installed on their data terminal.

### **3. THE MATCHING WITH PERSONAL DATA**

Article 32.II does not mention the linking of personal data and browsing data.

The UFMD Code of Conduct provides certain hypothetical situations and protective responses which it recommends that businesses implement meant to align rules on the processing of personal data with rules on the use of browsing data for advertising.

#### **3.1 Data matching within the same organization**

When an entity responsible for processing personal data compiled online plans to link this data with behavioral data resulting from the use of cookies it issues, it must notify affected users when compiling their personal data or at the latest before linking such data.

If applicable, this notification is subject to the conditions of Article 32.I of the French data protection law on the direct collection of personal data and Article 32.II on the use of cookies.

The controller of personal data processing is required to allow users who have been duly informed of the possibility of such a linking of data, of its purpose and their related rights, to either accept or reject data linking, and to be informed about how to exercise this right.

However, if the linking of data is necessary to the provision of services subscribed to by the user, the possibility of choosing whether to accept or reject such a linking of data is not required by law, and this option will not necessarily be offered. In any event, the consequences of exercising this option to reject cookies during the use of subscribed services should be explained to the user.

#### **3.2 The matching of data held by several organizations**

When an entity responsible for processing personal data intends to link this data with behavioral information compiled online by a third party cookie issuer, this entity must notify affected users when compiling their personal data, or at the latest before linking such data.

If applicable, this notification is subject to the conditions currently set forth in Article 32.I of the French data protection law on the direct collection of personal data.

Users fully informed of the possibility of data linking, of its purpose, who the recipients of such linked data are, and their rights relative to such data linking are entitled to communicate their specific agreement to the linking of data to the controller of personal data processing.

## Part 2 : Practice Guide

This Guide's signatory associations have hoped to provide examples to their members, i.e. marketing and online advertising operators, on the notification of individuals about the use of cookie files that may be stored in their data terminals and be used for advertising purposes.

For educational purposes, these examples are grouped according to four digital advertising businesses, which represent the majority of cookies issuers and notifiers of individuals:

1. **Publishers** of websites or mobile applications in which cookies are issued by such publishers (points 1.2 below on page 17 and 1.3 below on page 18) or by third parties (points 1.4 below on page 19 and 1.5 below on page 20).
2. **Advertisers**, that use cookies in their advertising content distributed by third parties (point 2 below on page 21);
3. Advertising agencies that use cookies in the advertising space they operate at the request of the publisher of a site or application (point 3 below on page 22) ;
4. Providers of targeted advertising that combine cookies from a network of websites/applications to determine the advertising content that best corresponds to the interests of users (point 4 below on page 23).

A fifth series of examples of notification (point 5 below, on page 23) focuses on the **linking of personal data** collected by a company (A) **and browsing data** processed by another company (B).

In each situation identified in this Practice Guide, the company concerned may propose:

- detailed information relating to the use of cookies,
- allowing users to exercise their choice on the use of cookies,
- a glossary of key terms.

The professional associations believe that as a good practice, notification may also be required for cookies other than advertising cookies, according to the specific details being offered.

Part A - Proposed situations (on page 16) lists the situations in which a company is likely to use cookies and to inform users about the purposes of their use and the choices users have available.

A proposed text is provided for each situation (Part B - Proposed drafting on page 24), enabling each company to establish a notification document on the use of cookies for advertising to be brought to the attention of users. These texts reflect the diversity of of the stakeholders involved and of the cookies used (logging of visits, shopping carts, advertising space or content, targeted advertising, etc.).

**As any type of stakeholder may use any type of cookie, the associations will revise this guide as new practices emerge and/or technical, professional or regulatory norms governing online behavioral advertising evolve.**

## A - Proposed situations

Your situation	Info	Choice	Notification and the user's choice	Comments
<p><b>1. <u>YOU ARE THE PUBLISHER OF AN INTERNET SITE OR A MOBILE APPLICATION</u></b></p>				
<p><b>1.1 <u>You collect the personal contact data of users</u></b></p> <ol style="list-style-type: none"> <li>1. who contact you using a form on your site/application or using the address included on your site,</li> <li>2. who subscribe to your newsletter by e-mail, SMS, mail, fax,</li> <li>3. who submit their e-mail address, telephone number, address, bank information, etc at the time of the creation of a personal account, the subscription to a service, the making of a purchase, the opening of an account or the use of a personal user name and password</li> </ol>	<p>Not covered in this Guide.</p> <p>See:</p> <ul style="list-style-type: none"> <li>- UFMD Code of Conduct on e-mailing (2005)</li> <li>- UFMD Code of Conduct on targeted advertising and the rights of internet users (2010)</li> </ul>		<p>A "General Conditions of Use" section available to the user from any page of your site/application.</p> <p>You must describe the processing of personal data ed from your site/application that you are likely to use on your own behalf pursuant to Article 32.I of the French data protection law, and if applicable, Article 34-5 of the French Post &amp; Electronic Communications Code.</p>	<p>You must include your complete address and that of the host of your site/application (Article 6.III of the LCEN n°2004-575 of 21 June 2004).</p> <p>A section on the protection of personal data available to the user from any page of your site/application.</p> <p>and</p> <p>A statement on the protection of personal data on all pages/sections in which you compile personal data from visitors to your site/application.</p>

Your situation	Info	Choice	Notification and the user's choice	Comments
<p><b>1.2</b> <u>You issue cookies on your site/application other than cookies issued in advertisements</u></p> <p>These cookies :</p>	A, A1 B, B1 C1, C2 C4		Informing users about cookies should be included in a dedicated section of your site, easily accessible from the device on which the cookie is issued, i.e. at the bottom of the home page and every other web page containing cookies.	You must describe the purpose of your site/application and the activities related to your site/application.
1. allow you to quantify the number of site visits to your site other than hits on advertising space	C5	I1, I2 J1 to J8	You are not required to describe the purpose nor the right to reject the use of cookies that you issue and which are necessary to access certain features of your site/application.	These assumptions do not apply to cookies used in advertising spaces (see points 1.3 and 1.4 below) nor in advertising content (see point 1.5 below) transmitted through such spaces.
2. allow you to personalize the editorial content (other than advertising) of your site to the technical configuration of a data terminal (operating system, display settings, language)	C7		Nevertheless, even if these cookies are necessary, the UFMD recommends that you inform users of the purpose of these cookies and the consequences of their choices with respect to such cookies.	This assumption does not cover personally identifying cookies used for advertising (see point 5 below).
3. only allow you to identify the users of your site/application and not those clicking on any advertisements	C11			This assumption is for sites/applications developed in Flash, regardless of whether they are used for advertising.
4. use "Flash®" technology from "Adobe Flash Player"™		K		

Your situation	Info	Choice	Notification and the user's choice	Comments
<p><b>1.3</b> <u>Your advertising space is operated by your company and it issues cookies</u></p> <p>These cookies allow you:</p> <ol style="list-style-type: none"> <li>to record the activity of your advertising space for billing and statistics</li> <li>to customize the advertising space that you operate to the technical configuration of a data terminal (operating system, display settings, language, login box);</li> <li>to customize the advertising content displayed in your advertising space to browsing data of your site;</li> <li>to customize the advertising content displayed in your advertising space to the physical location of a user;</li> <li>to customize the advertising content displayed in your advertising space to personal data which has been provided by a user;</li> </ol> <p>These cookies use "Flash®" technology from "Adobe Flash Player"™</p>	A, A1, B, B1,B2 C1, C2, C3, C4			Unless you have already done so, you should describe the purpose of your site/application and your activities related to your site/application.
	C6			You are not required to describe the purpose nor the right to reject the use of cookies that you issue and which are necessary to access certain features of your site/application.
	C8	I1, I2 J1 to J8 L, M	Informing users about cookies should be included in a dedicated section of your site, easily accessible from the device on which the cookie is issued, i.e. at the bottom of the home page and every other html page containing cookies.	Nevertheless, even if these cookies are necessary, the UFMD recommends that you inform users of the purpose of these cookies and the consequences of their choices with respect to such cookies.
	C9			
	C10			
C12				
		K		This assumption is for sites/applications using non-advertising content developed in Flash

Your situation	Info	Choice	Notification and the user's choice	Comments
<p><b>1.4</b> <u>Your advertising space is operated by one or more external advertising agencies using cookies</u></p> <p>These cookies allow such advertising agencies:</p>	A, A1 B, B1,B2 H, H1			Unless you have already done so, you should describe the purpose of your site/application and your activities related to your site/application, as well as your use of an external advertising agency.
<p>1. to count the activity of your advertising space for billing and statistics</p>	H2			You are not required to describe the purpose nor the right to reject the use of cookies that you issue and which are necessary to access certain features of your site/application.
<p>2. to customize the advertising space that you operate to the technical configuration of a data terminal (operating system, display settings, language, login box);</p>	H3	I1, I2 J1 to J8 L, M	Informing users about cookies should be included in a dedicated section of your site, easily accessible from the device on which the cookie is issued, i.e. at the bottom of the home page and each other html page containing cookies.  In addition, if external advertising agencies operating your advertising space issue cookies through such advertising space, they should include a user information icon (external advertising agencies should refer to point 3 below on page 22)	Nevertheless, even if these cookies are necessary, the UFMD recommends that you inform users of the purpose of these cookies and the consequences of their choices with respect to such cookies.
<p>3. to customize the advertising content displayed in your advertising space to the browsing data a user of your site;</p>	H4			
<p>4. to customize the advertising content displayed in your advertising space to the browsing data of a user of the site of a third party</p>	H5			
<p>5. to customize the advertising content displayed in your advertising space to the physical location of a user;</p>	H6			
<p>6. to customize the advertising content displayed in your advertising space to personal data which has been provided by a user;</p>	H7 O, P			
<p>These cookies use "Flash®" technology from "Adobe Flash Player"™</p>	K			This assumption is for sites/applications using non-advertising content developed in Flash

Your situation	Info	Choice	Notification and the user's choice	Comments
<p><b>1.5</b> <u>Your site or your advertising space includes cookies issued from third parties</u></p> <p>These cookies allow such third parties:</p>	A, A1 B, B1,B2		<p>Informing users about cookies should be included in a dedicated section of your site, easily accessible from every page of your site/application with advertising space displaying advertising content likely to contain cookies issued by third parties such as advertisers, an advertising agency (internal or external) or a provider of targeted advertising.</p>	<p>This assumption concerns the cookies associated with advertising content issued by an advertiser, an advertising agency or a provider of targeted advertising.</p> <p>If the cookies included in the advertising content are issued by the advertiser concerned, it should inform users in the conditions set forth in point 2 below on page 21.</p>
<p>1. to count the number of visitors to your site and/or the number times advertising content is displayed through your advertising space, for the purposes of statistics and/or billing;</p>	G1	I1, I2 J1 to J8 L, M	<p>If such advertising content is displayed through an internal advertising department, then this section should be read in conjunction with section 1.3 above on page 18.</p>	
<p>2. to recognize the data terminal of a user of your site/application at the user's subsequent return or any other service for which these third parties also issue cookies</p>	G2 O,P	K	<p>If such advertising content is displayed through an external advertising agency, then this section should be read in conjunction with section 1.4 above on page 19.</p>	
<p>These cookies use "Flash®" technology from "Adobe Flash Player"™</p>				<p>This assumption is for advertising content developed in Flash</p>

Your situation	Info	Choice	Notification and the user's choice	Comments
<b><u>2. YOU ARE AN ADVERTISER WITH ADVERTISING CONTENT ON THE SITES/APPLICATIONS OF THIRD PARTIES</u></b>				
These cookies allow you :	A, A2 N, N1 N2, N3 O, P N4		Informing users about cookies issued by you or a third party in displayed advertisements should be included in a dedicated section of the site/application that is directly accessible from your advertisements that use cookies.	Your advertisements include a hyperlink that directs users to a site/application operated by you or a service provider chosen by you (media or communications agency) which should inform users about cookies used in your advertising content issued by you or such service provider.
<ol style="list-style-type: none"> <li>1. to count the number of site visits and advertising content hits on the sites/applications of third parties for billing and statistics purposes</li> <li>2. to customize the presentation of the [site/application] to which one of your advertisements is linked, <ul style="list-style-type: none"> <li>– based on the technical settings of the user's data terminal (language, screen resolution, operating system, etc)</li> <li>– based on the physical location of the user</li> </ul> </li> </ol>	N5, N6  N7 to N9	I1, I2 J1 to J8 L, M	If these cookies used in your advertising content are issued by a third party such as an advertising agency or a targeted advertising provider, they should inform users under the conditions set forth in point 4 below on page 23.	
3. to track the browsing habits of a user's data terminal on other sites/applications or on other advertisements in which you use cookies	N10 O, P			
These cookies use "Flash®" technology from "Adobe Flash Player"™		K		This assumption is for advertising content developed in Flash

Your situation	Info	Choice	Notification and the user's choice	Comments
<p><b>3. <u>YOU ARE AN EXTERNAL ADVERTISING AGENCY WITH ADVERTISING SPACE ON A NETWORK OF SITES/APPLICATIONS</u></b></p>				
<p>These cookies allow you :</p>	<p>A, A3 Q, Q1 Q2, Q3 O, P Q4</p>		<p>Informing users about cookies used in the advertising space that you operate should be directly accessible via an icon appearing in the advertising space.</p>	<p>Users should also be notified by the site on which you operate advertising space. If applicable, the site concerned will fall under one of the situations discussed in point 1.4 above on page 19 and/or 1.5 above on page 20.</p>
<p>1. to count the number of site visits and advertising content hits on such advertising space for billing and statistics purposes</p>	<p>Q5, Q6</p>			
<p>2. to customize the presentation of the advertising content to which your advertising space is linked:</p> <ul style="list-style-type: none"> <li>- based on the technical settings of the user's data terminal (language, screen resolution, operating system, etc)</li> <li>- based on the physical location of the user</li> </ul>	<p>Q7 to Q9</p>	<p>I1, I2 J1 to J8 L, M</p>		
<p>3. based on the browsing habits of a user on other sites/applications on which you issue cookies</p>	<p>Q10, Q11</p>			
<p>These cookies use "Flash®" technology from "Adobe Flash Player"™</p>		<p>K</p>		<p>This assumption is for advertising content developed in Flash®</p>

Your situation	Info	Choice	Notification and the user's choice	Comments
<b><u>4. YOU ARE A PROVIDER OF TARGETED ADVERTISING USING COOKIES ON NETWORKS OF SITES/APPLICATIONS</u></b>				
These cookies allow you :	A, A1 E R		Users should be informed about cookies that you issue in a dedicated section of the site/application using such cookies	Users should also be informed by the sites from which you issue cookies for targeted advertising. If applicable, the sites concerned will fall under one of the situations discussed in point 1.4 above on page 19 and/or 1.5 above on page 20.
1. to browsing data from data terminals that access sites on which you use cookies	R1	I1, I2 J1 to J8 L, M		
2. to determine the advertising content likely to correspond to a user's interests based on the browsing history of the user's data terminal	R2			
<b><u>5. PERSONAL DATA AND BROWSING DATA</u></b>				
If you are likely to display advertisements adapted to the browsing data gathered from your cookies and to the personal data you have ed about a user you must notify such user when ing personal data.	S, S1	I1, I2 J1 à J8 L, M	Users should be informed in a statement on the page in which they will provide personal data. This statement should also appear in the section of your site/application on the processing of browsing data	
The user has the right to inform you of his or her refusal either by rejecting the processing of the browsing data the data terminal, or by contacting you directly.	S2			
In the event that you were to share the personal data provided to you by a user with a third party (provider of targeted advertising, advertising agency, etc.) which has ed the same user's browsing data, you should get the user's prior consent before any such linking of data from different sources.	S3	S4		

## B - Proposed drafting

A	<p><b><u>WHO ARE WE?</u></b></p>
A1	<p>Welcome to [site/application] [name or url], published by <b>[Publisher of the site visited]</b> [link to the site disclaimer]. We are [describe activity].</p> <p>This section is dedicated to our Privacy Protection Policy. Here you can learn more about the origin and use of the browsing data processed during your visit to our [site/application] as well as your related rights. This Policy is important for you in order to have the best possible experience on our site/application and maximize your confidence in our services. It is important for us in order to fully and accurately answer any questions you may have about your visit to our [site/application] and to fully understand your expectations.</p> <p>While visiting our [site/application], information about the browsing data we receive from your data terminal (computer, tablet, smartphone, etc.) may be stored in "cookies" installed on your device. This is subject to the choices that you have expressed about cookies which you can change at any time.</p>
A2	<p>Welcome to [site/application] [name or url], published by <b>[Advertiser]</b> [link to the site disclaimer].</p> <p>We are [describe activity]. We may buy advertising space directly or through our service providers (consulting or communications agencies) to promote our activities and offers on the sites/applications of third-parties through advertising content (text, graphics, animations, videos, etc.) appearing on these sites/applications.</p> <p>This section is dedicated to our Privacy Protection Policy. Here you can learn more about the origin and use of the browsing data processed during your visit to this [site/application] through any of our advertising content. This section also informs you of your related rights. This Policy is important for you in order to have the best possible experience on our site/application and maximize your confidence in our offers and services. It is important for us in order to fully and accurately answer your questions about the use of the browsing data ed through our advertising content and to fully understand your expectations.</p> <p>While visiting our [site/application], information about the browsing data we receive from your device (computer, tablet, smartphone, etc.) may be stored in "cookies" installed on your device. This is subject to the choices that you have expressed about cookies which you can change at any time.</p>
A3	<p>Welcome to [name or url], published by <b>[External Advertising Agency]</b> [link to the site disclaimer].</p> <p>We are an Internet advertising company hired by advertisers to distribute their advertising content within advertising space on sites/applications such as the one you visited. We manage the advertising space of these sites/applications.</p> <p>This section is dedicated to our Privacy Protection Policy. Here you can learn more about the origin and use of the browsing data processed during your visit to this [site/application] which contains advertising space that we operate. This section also informs you of your related rights in this regard. This Policy is important for you in order to have the best possible experience on our site/application and maximize your confidence in our offers and services. It is important for us in order to fully and accurately answer your questions about the use of the browsing data ed through our advertising space and to fully understand your expectations.</p> <p>Whenever your data terminal is directed to a site/application for which we operate the advertising space, information about the browsing data we receive from your device (computer, tablet, smartphone, etc.) may be stored in "cookies" installed on your device. This is subject to the choices that you have expressed about cookies which you can change at any time.</p>

<b>B</b>	<b><u>HOW ARE THE COOKIES ISSUED FROM THIS [SITE/APPLICATION] USED?</u></b>
B1	Only the issuer of a cookie is likely to read or change the information contained in such cookie.
B2	Cookies may be included in the advertisements appearing on our site. These advertising spaces displayed on your data terminal show advertising content from advertisers. These spaces contribute to the funding of the content and services we offer you.
C1	<p><b><u>The cookies we use on our site</u></b></p> <p>Subject to your choice to allow cookies, when you open our [site/application] we may install various cookies in your data terminal allowing us to recognize your device's browser for the duration of the cookies' period of validity. Cookies that we issue are used for the purposes described below, and are subject to your acceptance of them,</p>
C2	by way of the browser software settings when you visit our [website/application]
C3	which you can make known to us at any time
C4	We issue cookies that allow us to:
C5	compile statistics and traffic volume and measure the use of the various sections of our [site/application] (headings and content visited, click streams) which helps us improve the value and usability of our services;
C6	count the total number of advertisements we display on our advertising spaces, identify the advertisements and their respective number of displays, the number of users who click on each advertisement and, where applicable, any subsequent actions made by these users on these pages that carry advertising in order to calculate the amounts owed to stakeholders in the advertising chain (communication and advertising agencies, websites, etc.) and compile statistics;
C7	customize the presentation of our [site/application] to the display settings of your data terminal (language, screen resolution, operating system, etc.) during your visit our Site, based on your data terminal's hardware, viewing software and video software;
C8	customize our advertising spaces to the display settings of your data terminal (language, screen resolution, operating system, etc.) based on your data terminal's hardware, viewing software and video software;
C9	customize the advertising content displayed on your data terminal in our advertising spaces based on the browsing data associated with your data terminal on our site;
C10	customize the advertising content displayed on your data terminal in our advertising spaces based on your physical location communicated to us by your data terminal with your prior consent
C11	<p>store information contained in any form that you fill out on our [site/application] (for registration or account access) or relative to any products, services or information you have chosen on our [site/application] (subscribed service, shopping cart contents, etc.);</p> <p>allow you access to restricted and personalized areas of our [site/application], such as your account, based on user names, passwords and other data that you may have previously given us access;</p> <p>implement security measures, such as when you are asked to log in again to contents or a service after a certain period of time.</p>
C12	customize the advertising content displayed in our advertising space on your data terminal based on personal data that you have provided;

E	<p><b><u>Cookies issued on our site by third parties ...</u></b></p> <p>The issue and use of cookies by third parties are subject to the protection of privacy policies of these third parties. We will notify you of the purpose of cookies known to us and of the ways that you can choose to accept or reject cookies.</p>
F	<p><b>(a) ... Due to the integration of third party applications on our website</b></p> <p>We are likely to include software applications from third parties on our site/application which allow you to share the content of our Site with others or to inform others about your visit or your opinion on the content of our site/application. This is particularly the case with the "Share" and "Like" buttons on social networks like Facebook, "Twitter", "LinkedIn", "Viadeo", etc.</p> <p>The social networks that provide these button applications may use the button to identify you even if you have not used this button during your visit our site/application. Indeed, this type of button application may allow the social network concerned to track your browsing of our site, simply because your social network account was active on your data terminal (open session) during your visit to our site.</p> <p>We have no control over the processes used by social networks to compile information about your visits to our site nor any related personal data they may have. We invite you to review the protection of privacy policies of these social networks in order to understand the purposes behind the collection of browsing data they can compile through such buttons, especially as regards advertising. The policies of social networks must allow you to exercise your personal choice through your account settings.</p>
G	<p><b>(b) Through third party content in our advertising spaces</b></p> <p>Advertising content (graphics, animations, videos, etc.) in our advertising spaces may contain cookies issued by third parties associated with the advertising content of an advertiser. Such third parties may be the advertiser, another source of the advertising content or a third party to the advertiser (communications agency, audience measurement company, provider of targeted advertising, etc.).</p> <p>Throughout the validity period of such cookies, the cookies may allow such third parties to:</p>
G1	<p>count the number of displays of advertising content using our advertising spaces, identify the advertisements displayed and the number of users who clicked on each advertisement. This enables the third parties to calculate any amounts due and to compile statistics;</p>
G2	<p>recognize your data terminal at whenever you subsequently browse any site or service on which these advertisers or third parties also issue cookies. They may then adapt these sites and third party services or the advertisements they display, to any browsing data from your data terminal to which they may have access;</p>
H	<p><b>(c) Through external advertising agencies using our advertising spaces</b></p>
H1	<p>The advertising spaces on our site may be operated by one or more external advertising agencies and may contain cookies issued by them. If applicable, and for the duration of the validity period of these cookies, the cookies issued by external advertising agencies allow them to:</p>
H2	<p>count the total number of advertisements they display on our advertising spaces, identify these advertisements and the respective number of displays, count the number of users who clicked on each advertisement and, if applicable, track any subsequent actions made by these users on these pages that carry advertising in order to calculate the amounts owed to stakeholders in the advertising chain (advertisers, communication and advertising agencies, websites, etc.) and compile statistics;</p>
H3	<p>customize advertising space that they operate to the display settings of your data terminal (language, screen resolution, operating system, etc.) based on your data terminal's hardware, viewing software and video software;</p>

H4	customize the advertising content displayed on your data terminal through our advertising space according to the browsing data of your data terminal compiled on our site
H5	customize the advertising content displayed on your data terminal through our advertising space based on your data terminal's browsing history or future browsing history through third party sites on which the advertising agency also uses cookies, provided that these cookies have been saved in your data terminal in accordance with the choices you have made in respect of such agency.
H6	customize the advertising content displayed on your data terminal through our advertising space based on your physical location communicated by your data terminal with your prior consent
H7	customize the advertising content displayed on your data terminal through our advertising space based on personal data that you may provide an external advertising agency;
I1	<b><u>YOUR CHOICES REGARDING COOKIES</u></b>
I2	There are several ways to manage cookies. The settings that you use are likely to change your internet browsing experience and the conditions of your access to any services requiring the use of cookies. You can choose to express or modify your acceptance of the use of cookies at any time as described below.
J1	<b><u>The choices available to you through your browser</u></b> You can configure your browser to allow cookies to be stored on your data terminal, to reject them automatically or to reject them from certain issuers. You can also configure your browser so that you are promptly asked to accept or reject cookies before a cookie is saved to your data terminal. For more information, see "How to exercise your choice in the browser you use"
J2	<b>(a) Accepting cookies</b>
J3	It is up to the user of a data terminal to decide whether or not cookies will be accepted on that data terminal. The user is free to make this choice and to modify it at any time through the settings associated with the browser used on the data terminal. If the browser is set to accept cookies on your data terminal, then the cookies used by the web pages that you have visited will be stored temporarily in a dedicated space on your data terminal. They will be readable only by the issuer.
J4	<b>(b) Rejecting Cookies</b>
J5	If you choose to reject cookies on your data terminal, or if you remove any cookies already stored, you will not be able to use a number of features that are necessary to browse certain sections of our [site/application]. For example, this would be the case for access to any of our content or services that require you to log in. This is also the case as concerns technical compatibility when we or our service providers cannot recognize the type of browser that you use on your data terminal, its default language and display or the country from which your data terminal is connected to the internet.
J6	If the browser is set to reject cookies on your data terminal, we assume no responsibility for consequences related to the degraded operation of our services resulting from us not being able to store or view the cookies necessary for the full functioning of our site and services.

J7	<b>(c) How to exercise your choice in the browser you use</b>
J8	<p>Each browser has a different way of managing cookies and cookie settings. The configuration of your browser is described in its help menu which will inform you of how to change your cookie settings.</p> <p>For Internet Explorer™ : <a href="http://windows.microsoft.com/fr-FR/windows-vista/Block-or-allow-cookies">http://windows.microsoft.com/fr-FR/windows-vista/Block-or-allow-cookies</a>,</p> <p>For Safari™ : <a href="http://docs.info.apple.com/article.html?path=Safari/3.0/fr/9277.html">http://docs.info.apple.com/article.html?path=Safari/3.0/fr/9277.html</a>,</p> <p>For Chrome™ : <a href="http://support.google.com/chrome/bin/answer.py?hl=fr&amp;hlrm=en&amp;answer=95647">http://support.google.com/chrome/bin/answer.py?hl=fr&amp;hlrm=en&amp;answer=95647</a>,</p> <p>For Firefox™ : <a href="http://support.mozilla.org/fr/kb/Activer%20et%20d%C3%A9sactiver%20les%20cookies">http://support.mozilla.org/fr/kb/Activer%20et%20d%C3%A9sactiver%20les%20cookies</a>,</p> <p>For Opera™ : <a href="http://help.opera.com/Windows/10.20/fr/cookies.html">http://help.opera.com/Windows/10.20/fr/cookies.html</a></p>
K	<p><b><u>"Flash"© cookies using "Adobe Flash Player"™</u></b></p> <p>"Adobe Flash Player"™ is an application that enables the rapid display of dynamic content using the "Flash" computer language. Flash and other similar applications store settings, preferences and usage date using a technology similar to cookies. However, "Adobe Flash Player"™ handles this information through the use of an interface different from that provided by your browser.</p> <p>If your data terminal is likely to view content developed with Flash technology, please access your Flash cookies management tool directly from the Adobe website at <a href="http://www.adobe.com/fr/">http://www.adobe.com/fr/</a>.</p>
L	<p><b><u>Your choices expressed online directly to us</u></b></p> <p>If you do not want our advertising spaces to store cookies to your data terminal for advertising purposes, you can <a href="#">click on this deactivation link</a>, which will save one cookie to your data terminal in order to disable the customization of advertising on our advertising space. Note that this does not preclude the display of advertisements on your data terminal. It will not block the technologies that can adapt advertisements to your browsing data or your interests.</p> <p>Please also note that for us to respect your decision, we need to use this one cookie. If you delete all the cookies stored on your data terminal (via your browser), we or our service providers will not recognize that you have chosen this option.</p> <p>Finally, if you would like to disable a cookie on your data terminal and see new advertising content customized to the browsing data of your device, <a href="#">click here</a>.</p>
M	<p><b><u>Expressing your choices online through multi-sector initiatives</u></b></p> <p>The digital advertising professionals of the European Association EDAA (European Digital Advertising Alliance), managed in France by the Interactive Advertising Bureau France, offers a website at <a href="http://Youronlinechoices.com">Youronlinechoices</a>.</p> <p>Here you will find a list of the companies that belong to this initiative and which offer you the opportunity to accept or reject the cookies used by these companies to customize their advertisements to your browsing data: <a href="http://www.youronlinechoices.com/fr/controler-ses-cookies/">http://www.youronlinechoices.com/fr/controler-ses-cookies/</a>.</p> <p>This is a centralized European interface that is shared by hundreds of internet advertising professionals allowing you to express your acceptance or rejection of cookies which may be used to customize the advertisements displayed on your data terminal to your browsing data. Note that this does not preclude the display of advertisements on the websites you visit. It will not block the technologies that can customize advertisements to your interests.</p>

N	<b><u>WHAT IS THE PURPOSE OF THE COOKIES ISSUED BY THIRD PARTIES THAT ARE USED IN OUR ADVERTISING CONTENT?</u></b>
N1	When you access a site/application containing advertising space displaying one of our advertisements, this ad may contain a cookie. If you so choose, this cookie is stored to your data terminal allowing us to recognize the browser on your data terminal for the duration of the cookie's period of validity. Cookies used in our advertisements issued by third parties are used for the purposes described below, subject to your consent,
N2	as set in your browser software settings when you visit our [website/application]
N3	Which you can express at any time
N4	If you have chosen to accept cookies on your data terminal, the cookies we issue will allow us to:
N5	count the number of displays and activations of our advertising content on third party sites/applications, identify the content as well as the third party sites/applications themselves, and determine the number of users who have clicked on each advertisement
N6	calculate the amounts due to stakeholders in the advertising chain (communications agencies, advertising agencies, websites, etc.) and compile statistics
N7	customize the presentation of [site/application] which links to our advertising content,
N8	according to the display settings of your data terminal (language, screen resolution, operating system, etc.) when you visit our site and based on your data terminal's hardware, viewing software and video software;
N9	according to your physical location communicated to us by your data terminal with your prior consent
N10	monitor subsequent browsing on your data terminal on other sites/applications or other advertisements
O	<p><b><u>WHAT IS THE PURPOSE OF ADVERTISEMENTS CUSTOMIZED TO YOUR BROWSING DATA?</u></b></p> <p>Our goal is to present the most relevant advertisements possible. To this end, cookie technology is used to determine in real time which advertisements to display on a data terminal based on its recent browsing data on one or more sites and applications.</p> <p>Your interest in the advertising content displayed on your data terminal when you visit a [site/application] often determines the advertising revenue of an advertiser allowing it to offer its services, often provided to users free of charge. It is likely that you prefer to see advertisements that match your interests rather than advertisements that have no interest to you. Similarly, advertisers that want their advertisements displayed are interested in making their offers known to the users most likely to be interested in them.</p>
P	<p><b><u>WHAT IF YOU SHARE THE USE OF YOUR DATA TERMINAL WITH OTHERS?</u></b></p> <p>If your data terminal is used by several people or if the same data terminal has multiple browsers, we cannot be certain that the services and advertisements that appear on your terminal correspond to your personal use of the data terminal and not to that of another user of your data terminal.</p> <p>If this is the case, the sharing of your data terminal with others and the configuration of your browser settings regarding cookies are your choice and your responsibility.</p>

Q	<b><u>WHAT IS THE PURPOSE OF THE COOKIES USED IN THE ADVERTISING SPACES THAT WE OPERATE?</u></b>
Q1	When you access a site/application that contains an advertising space that we operate, such advertising may contain a cookie we issue. If you so choose, this cookie is stored to your data terminal allowing us to recognize the browser on your data terminal for the duration of the cookie's period of validity. Cookies used in our advertising space that we operate are used for the purposes described below, subject to your consent,
Q2	as set in your browser software settings when you visit the site/application for which we operate the advertising space
Q3	which you can express to us at any time by clicking on an icon or hyperlink accessible from the advertising space that we publish
Q4	If your data terminal allows cookies based on your choice, the cookies we issue will allow us to:
Q5	count the number of displays and activations of the advertising content on advertising spaces that we operate, identify the advertiser of such advertising content, and determine the number of users who have clicked on each advertisement
Q6	calculate the amounts due to the advertiser and the other stakeholders in the advertising chain (communications agencies, advertising agencies, websites, etc.) and compile statistics
Q7	adapt the presentation of the advertising content in the advertising space that we operate,
Q8	according to the display settings of your data terminal (language, screen resolution, operating system, etc.) and based on your data terminal's hardware, viewing software and video software;
Q9	according to your physical location communicated to us (or our service providers) by your data terminal with your prior consent
Q10	adapt the advertising content displayed on your data terminal to the prior browsing data of your data terminal on third party sites on which we also issue cookies, if you have chosen to accept the cookies that we issue.
Q11	adapt the advertising content displayed on your data terminal based on the future browsing data of your data terminal on sites/applications on which we use cookies
R	<b><u>TARGETED ADVERTISING COOKIES ISSUED ON OUR SITE BY THIRD PARTIES</u></b> Our site/application may contain cookies issued by third parties (communication agencies, audience measurement companies, providers of targeted advertising, etc.). For the duration of the cookie's period of validity, such cookies allow them to:
R1	compile browsing data for data terminals that visit our site/application
R2	determine the advertising content likely to correspond to the interests of the user of the data terminal based on browsing data

S	<p><b><u>PERSONAL DATA AND BROWSING DATA</u></b></p> <p>We may customize the offers and advertisements you see based on the browsing data relative to your data terminal compiled from our site or the sites and services published by third parties and for which we issue cookies.</p>
S1	<p>If you have provided us with personal data, including any contact details, and have chosen to accept cookies at the moment you sign up to or access any of our services, we may link the browsing data on your data terminal which has been processed by our cookies with your personal data. The purpose of this is to send you direct marketing materials or to display personalized advertising on your data terminal in advertising spaces that also use our cookies. These are advertisements which are specifically intended for you and may interest you personally.</p>
S2	<p>You can contact us directly and for free at any time should you not want to receive any further advertisements or direct marketing materials customized to the browsing data of your data terminal. You can also use the unsubscribe link included in every direct marketing that we that we may e-mail to you. If you inform us of your objection, any advertisements you may continue to receive will no longer be customized to the browsing data associated with your data terminal.</p>
S3	<p>In addition, we will ask for your express prior consent before linking any personal data that you have provided with any browsing data from your data terminal that we may obtain from a third party (providers of targeted advertising, advertising agencies, etc.). If you so approve, we will then send you any resulting advertisements or direct marketing materials.</p>
S4	<p>Your express consent may consist of checking a box on one of the services which we provide and to which you are subscribed. This box may read "I would like to receive promotional material customized to my browsing habits as compiled by the partners of the [controller of personal data processing]."</p>

## Glossary

### **"Cookie(s)"**

means a text file that can be stored, subject to your consent, in a dedicated space on the hard drive of your data terminal at the time of your visit to an online service through your web browser. A cookie file allows the cookie issuer to identify the data terminal in which it is stored throughout the the cookie's period of validity or registration.

### **"Browsing data", "Browsing"**

means the data relating to the connection of a data terminal to an electronic communication service at any given moment. We may process browsing data in the conditions covered by the Guide, even if we do not necessarily know what data terminal you use, or who you are at any given time. Browsing data includes:

- the IP (Internet Protocol) address of the data terminal connected to the Internet,
- the date and time that the data terminal is connected to an electronic communication service,
- the url (internet address) of the source web page ("referrer") of the data terminal accessing an electronic communication service,
- the url (internet address) of the web page accessed by the data terminal consulting an electronic communication service,
- the type of operating system used by the data terminal (Windows, MacOS, Linux, Unix, BeOS. etc.),
- the type and version of the browser software used by the data terminal (Internet Explorer, Safari, Firefox, Chrome, Opera, etc.),
- the language used by the browser software on the data terminal,
- the identifier of a cookie file stored by us in the data terminal as well as its contents.

### **"Personal data"**

In this Guide, this term means data relating to you alone at any given time, regardless of the data terminal you use.

### **"Data terminal(s)"**

means the hardware (computer, tablet, smartphone, phone, etc.) that you use to visit or view a site, application, advertising content, etc.

### **"Advertiser"**

generally refers to any company or organization which uses various communication techniques to promote its reputation, image, products and services.

**"Communication agency"**

means the advertising consultant of the advertiser assisting the advertiser with the creation and implementation of digital communication (e-commerce, online advertising, etc.).

**"Advertising agency"**

means the entity or the company responsible for selling advertising space on behalf of one or more publishers: website publishers, mobile applications, etc.

Advertising agencies may:

- design paid advertising accruing to the publisher or themselves and providing increased efficiency to the advertiser;
- implement technology solutions and partnerships, as direct or indirect intermediaries, allowing them to compile information relating to browsing data and/or the localization of a data terminal (computer, smartphone) on one or many different media advertising platforms (internet sites, mobile services platforms, mobile applications).

**"Publisher"**

means the publishing support for content (website, mobile website or mobile application) which has advertising space that it seeks to sell in the best financial and user-friendly conditions possible by offering to insert advertising content in order to finance its activities including the publishing of services, content or information (e.g. online media).

To promote its advertising space and receive a higher rate of pay, the publisher must be able to demonstrate visitor levels in order to fill up its advertising space with advertising content tailored to that audience. It may work with one or more advertising agencies to promote its advertising spaces. If it does so, these advertising agencies are brought in to use counting devices in the advertising space they sell to advertisers, as well as advertising content matching devices on the site of the publisher, if such devices are available.

**"Provider of targeted advertising"**

means a company that uses technology, including cookies and/or probability algorithms, that allow it to assist an advertising agency, an advertiser or a communication agency, in determining the advertisements which seem best suited to the browsing data of a data terminal or personal data about a user, based on the data that it processes, or which is made available to it by one of these stakeholders.

**"Targeted advertising"**

means the customization of advertising content based on browsing data or personal data.

**"Online behavioral advertising"**

In online behavioral advertising, the potential interests of users is inferred from the browsing data relative to their data terminal from one or more online services. The result is that advertisements displayed are specifically tailored to the supposed interests of users more than through other ways of advertising.

The implementation of this type of advertising depends on the technologies used and stakeholders that implement them as well as whether or not a data terminal accepts "cookies" and if so, whether such cookies may or may not be shared with third parties.

### **"Personalized advertising"**

According to the French data protection authority (2010 Report on targeted advertising), *"personalized advertising is [...] used based on the known characteristics of a user (age, gender, contact information, etc.) that the user has himself provided, for example by registering for a service."*

This form of targeted advertising may result either from a user providing some information but not sufficient information to identify the user (age, gender, preferences, interests), or from the processing of personal data. In the latter case, existing regulation on the protection of personal data requires that users be informed as to the purpose of data processing, including the customization of the advertising content likely to result, whenever such user provides personal data.