

**LEGITIMATE INTEREST ASSESSMENT -
ANALYSIS REGARDING THE EXISTENCE OF A LEGITIMATE
INTEREST IN THE PROCESSING OF PERSONAL DATA**

Data controller:	RTB House S.A. and other joint controllers from RTB House corporate group as outlined in RTB House's Services Privacy Policy (" RTB House " or " controller ")
Applies to the processing activity:	Processing of personal data of website users under the IAB Transparency & Consent Framework (" IAB TCF ") mechanism to deliver and present advertising (special purpose 2)
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Assessment revisions:	-
DPO assessment:	Katarzyna Kamińska
DPO assessment date:	26.06.2023

1. Assessment of legitimate interest

<p>What does the processing of personal data consist of?</p> <p>What is the purpose of the processing of personal data?</p> <p>What is the controller's interest in processing the personal data?</p>	<p>The processing consists of delivering and presenting advertising, including taking actions such as: receiving and responding to bid requests (technical signals received from publishers and Supply Side Platforms with an offer to display an ad), delivering of ad-files or content files to an IP address, using information received automatically to deliver compatible ads, respond to a user's interaction with ad by sending the user to a landing page, logging that an ad was delivered.</p> <p>The purpose of the processing is to deliver and present advertising. As RTB House acts as a Demand Side Platform in the adtech ecosystem, in RTB House's case the purpose of technically delivering 'content' (understood as 'information, images, video, etc. that are included as part of something such as a website'¹) included in the title of the purpose, does not apply.</p> <p>The controller's interest is to technically facilitate the transmission of ads to the user's device as well as technically allow for realization of other</p>
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¹ Definition from the online Cambridge Dictionary ([source](#)).

	<p>purposes performed by RTB House based on the user's consent for realization of these purposes.</p>
<p>Is the legitimate interest, ie:</p> <ul style="list-style-type: none"> - is it legitimate? - Is it sufficiently specific to enable a balancing test to be performed? - Is it a genuine interest (i.e. not speculative)? 	<p>Yes, the interest is legitimate, sufficiently specific and genuine.</p>
<p>What is the nature of the controller's legitimate interest in processing the data?</p> <p>Are there any benefits to the wider public or of a public nature from the processing?</p>	<p>In order to display ads on the digital properties operated by the publishers, a series of technological processes needs to occur. RTB House has interest in conducting these processes, as only then it is possible to provide its service to its clients as well as realize the purposes to which the user consented on the publisher's website (predominantly - to display an ad to such a user).</p> <p>The processing allows the publishers to efficiently sell the ad inventory available on their digital properties. This in turn results in them having the possibility to fund creation and sharing of quality content to the users of the Internet, often for free.</p>
<p>What is the possible harm to the controller, third parties or the wider public if the processing does not take place?</p> <p>What is its severity?</p> <p>How important are the identified benefits of the processing?</p>	<p>If the processing did not take place, the controller would not be able to provide its services to the clients.</p> <p>This is because the purposes of processing realized by RTB House rely on ongoing technological communication between various systems and devices operated by all of the actors involved in the process of ad display. This includes the users, the publishers, as well as the intermediaries such as Supply Side Platforms and Demand Side Platforms.</p> <p>Lack of processing would also harm the users. Without the analyzed processing, the controller would not be able to realize the purposes to which the users consent on the publishers' websites and mobile applications. It is a natural consequence of the fact that realization of these purposes - for example the act of displaying an ad - always implies the technological interaction between systems and devices.</p>

2. Assessment of the necessity of the processing

<p>Is it possible to achieve the purpose without processing the personal data?</p>	<p>No. The processing of personal data is necessary to achieve the purposes determined by the controller.</p>
<p>Is it possible to achieve the purpose with less data processing or processing in a less privacy intrusive manner?</p>	<p>In the controller's view, the principle of data minimisation has been met and it is not possible to achieve the purpose while processing less data.</p> <p>Crucially, RTB House does not process any personal data which could allow for direct identification of a data subject.</p>

3. Assessment of the balance / primacy of interests

<p>Who are the data subjects?</p> <p>What is the relationship of these data subjects to the controller?</p>	<p>The data subjects are users of the websites on which the controller's advertisements are displayed. The controller has no actual relationship with these data subjects.</p>
<p>What is the scope of the personal data being processed?</p> <p>Is data that can be considered particularly 'private'?</p> <p>Is the data relating to individuals personal or professional life?</p>	<p>The scope of the data processed includes:</p> <ul style="list-style-type: none"> - IP addresses - Device characteristics - Device identifiers - Browsing and interaction data - Non-precise location data - Privacy choices <p>The above list of categories is based on the IAB TCF 2.2 taxonomy. The detailed scope information included in each category is included in the IAB TCF Policies.</p> <p>The data relating to individuals could be qualified as relating to personal or professional life.</p>
<p>How will the personal data be processed?</p> <p>Will the intended processing be carried out in an innovative way?</p>	<p>The processing of personal data consists of a series of exchanges of information between systems and devices in order to i.a. deliver the ad, measure its performance, as well as realize other purposes disclosed by RTB House in its Services Privacy Policy.</p> <p>The processing is not carried out in an innovative way.</p>

<p>Reasonable expectations of the data subject:</p> <p>Does the data subject have a reasonable expectation of such processing?</p> <p>Were data subjects informed of this purpose when the data was collected?</p> <p>How long ago was the data collected?</p> <p>Is the intended purpose and manner of the processing widely understood?</p> <p>Is there any evidence regarding the reasonable expectations of data subjects (e.g. from market research, other forms of consultation)?</p> <p>Are there other circumstances indicating that data subjects will not expect the processing?</p>	<p>Data subjects can reasonably expect that their personal data will be processed for the purpose described by the controller. There are three major reasons for that.</p> <p>Firstly, the users are likely to expect that in order to deliver ads on the digital properties they visit, a technical exchange of information between the publisher and some external party needs to occur.</p> <p>Secondly, because users are presented with cookie banners and have access to privacy policies which immediately suggest that technological tools of third parties are going to be used on a website. Functioning of such tools implies the work of IT mechanisms allowing for technical delivery of contents and ads to the visited digital property.</p> <p>Thirdly, the data is processed as part of the controller's participation in the IAB TCF mechanism, which aims to create transparency in the processing of personal data. Data subjects will be informed of the processing of their data when they access the website or mobile application where the data will be processed. Data subjects will be informed of the purposes of the processing, including about the purpose of delivering and presenting the ads.</p> <p>Data is collected on an ongoing basis.</p> <p>To date, there is no market research known to the controller regarding the expectations of people with regard to the described data processing. The intended purpose and method of processing will be explained to data subjects. It also appears that people who click on an advertisement and want to see the product offered by the advertiser can reasonably expect the processing of data related to their clicks on the advertisements of the controller.</p> <p>It is not excluded that some data subjects may not expect processing.</p>
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<p>Impact of the processing on the data subject:</p> <p>What might be the effects (negative or positive) of the processing on the data subject?</p> <p>Could the processing lead to a loss of control over the data subject's use of the personal data?</p>	<p>The processing primarily involves exchange of information by the systems and devices of various actors (including the user, the publisher, the intermediaries) to facilitate realization of the purposes of processing which were previously communicated to the user as well as consented to by the user.</p> <p>The processed data is not of a sensitive nature.</p> <p>The mere realization of the purpose of technical delivery of ads does not in itself result in negative effects on the data subject, given that it is necessary to allow for realization of purposes approved by the user via his decision expressed in a Consent Management Platform ('cookie banner').</p> <p>What is more, without the realization of the assessed purpose the controller would not be able to respond to a user's interaction with an ad by sending him/her to a landing page which he/she wishes to visit to buy a desired product or service. In other words, the controller would not be able to perform an action expressly expected by the user.</p> <p>The processing described does not lead to a loss of control over the data subject's use of the data as the flow of it is described in the easily accessible controller's privacy notice to which such a user has access. The user is also presented with clear information on how to opt-out from advertising conducted by the controller and the use of option results in deletion of user's personal data.</p>
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4. Additional measures to protect the rights and freedoms of the data subjects

<p>What additional safeguards will the controller apply?</p>	<ul style="list-style-type: none"> ● The data subject can block the display of advertisements by the controller. ● Data subjects will be informed of the processing by the controller. ● The controller has implemented appropriate technical and organisational measures to
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5. Final assessment of the legal basis

Given the above circumstances, is the controller's interest in the processing at least equivalent to the data subject's rights, freedoms and interests?	The controller's interest in processing personal data to deliver and present ads in controller's advertising technology is at least equivalent to the interests or fundamental rights and freedoms of the data subjects.
Possible additional commentary	Notably, the analysis focuses on a legitimate interest in realizing the purpose of delivering and presenting advertising. This purpose is realized only in case the user expressed his consent for processing of personal data for other controller's purposes of processing.

6. Opinion of the Data Protection Officer

Opinion of the DPO	I hereby agree with the Data Privacy Team's standpoint on legitimate interest assessment of processing personal data within mechanism to deliver and present advertising (special purpose 2 within the meaning of IAB Transparency & Consent Framework). The controller has an legitimate interest in processing personal data of users for abovementioned purposes and their rights, freedoms and interests do not outweigh this interest. Therefore, the personal data processing in question may be based on legal basis specified in Article 6 section 1 letter f) of the GDPR.
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