

**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 3)
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Assessment revisions:	-
DPO assessment:	Katarzyna Kamińska
DPO assessment date:	24.06.2024

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 retrieving, verifying and saving users' privacy choices in the form of TC Strings.</p> <p>The purpose of the processing is to ensure and demonstrate that users have consented to or not objected to RTB House's processing of their personal data.</p> <p>The controller's interests are as follows: Firstly, to ensure that <u>users'</u> privacy choices can be respected (i.e. the giving, refusing or withdrawing of consent by users and the exercise of their right to object) and that they do not have to make those choices again on each subsequent use of the relevant digital property.</p> <p>Moreover, the processing contributes to demonstrating compliance with the accountability principle pursuant to Article 5(2) of the GDPR by RTB House.</p> <p>Finally, the processing can support Data Protection Authorities in their investigations and audits of RTB</p>
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	House, in particular, to verify that users' privacy choices are appropriately respected.
<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)? 	Yes, the interests are legitimate, sufficiently specific and genuine.
<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>RTB House's interests are related to the legal obligations that the company has as a controller of personal data. They are also connected to the broader intention to safeguard users' rights and freedoms.</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>Moreover, users' privacy choices can be respected in the scope of their consent and their right to object to processing.</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 RTB House has to comply with applicable privacy and data protection laws in the process of ad display, as it is connected to processing of personal data.</p> <p>Lack of processing would also harm the users. Their privacy choices would not be passed to RTB House, and consequently - they would not be able to receive personalized advertisements.</p>

2. Assessment of the necessity of the processing

<p>Is it possible to achieve the purpose without processing the personal data?</p>	No. The processing of personal data is necessary to achieve the purposes determined by the controller.
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<p>Is it possible to achieve the purpose with less data processing or processing in a less privacy intrusive manner?</p>	<p>This determination is rooted in the the CJEU ruling in the case C-604/22 (IAB Europe vs APD) which established that the TC String may constitute personal data both from the perspective of IAB Europe and the TCF participants when assessing the nature of the information they collect and process, in particular to assess whether the TC String as well as other data points could be considered personal data from their perspective when associated with identifiable information.</p> <p>TC Strings must be linked to unique online identifiers for the controller to properly identify data subjects who consented or objected.</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. See also section 3 below.</p>
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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 data contained in the TC String is strictly necessary to realize the purpose of processing at stake, as it contains the following:</p> <ol style="list-style-type: none"> 1) General metadata: standard markers that indicate details about the Publisher's implementation of the TCF (e.g. the ID of the CMP that is used, the language of the UIs, whether the UIs use non-standard texts, such as custom stacks or illustrations) and a day-level timestamp of when users have made/updated their choices. 2) The user's consent per purpose and per vendor when the legal basis is Consent ("1" meaning user's consent and "0" meaning user's refusal or withdrawal of consent). 3) The user's right-to-object per purpose and per vendor when the legal basis is Legitimate interest ("1" meaning the user was informed and "0" meaning the user was not informed or the user's objection to processing).

	<p>4) Publisher restrictions: metadata specific to the publisher's implementation of the TCF, e.g. indicating a general prohibition for certain vendors to pursue a given data processing purpose.</p> <p>5) Where applicable, the user's choices for purposes that are not covered by the TCF or for vendors that are not participating in the TCF ("1" meaning user's agreement and "0" no agreement).</p> <p>Data relating to individuals should not be considered particularly 'private'. It does not directly relate 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>RTB House obtains bid requests from the inventory partners (Supply Side Platforms and publishers), which contain information about the user's privacy choices. RTB House verifies if, based on the transmitted information, there is an appropriate legal basis to process the user's personal data. After determining that such a legal basis exists, RTB House saves the information in its internal systems.</p> <p>The processing is not carried out in an innovative way. The TCF was developed and initially launched in April 2018 whereas the OpenRTB protocol by means of which bid requests are technically transmitted to RTB House - in 2010 (in its initial versions).</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</p>	<p>Data subjects can reasonably expect that their personal data will be processed for the purpose described by the controller.</p> <p>The users are presented with clear information about the choice they are to make as to the processing of their personal data, as well as the RTB House's identity as a controller. It is reasonable to assume that the user is aware that the content of user's decision will be transmitted to RTB House.</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</p>

<p>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>intended purpose and method of processing will be explained to data subjects.</p> <p>It is reasonably justified that the users expect that their choices expressed with a clear action (click) are transmitted to the parties, who seek to know their preference as to the processing of personal data.</p>
<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 notably ensures that users' privacy choices can be respected (i.e. the giving, refusing or withdrawing of consent by users and the exercise of their right to object) and that they do not have to make those choices again on each subsequent use of the relevant digital property. It is therefore evident that data subjects benefit positively from the processing first and foremost.</p> <p>What is more, it is important to identify the likelihood of any risk that could materialise as a result of the processing, as well as the severity of its consequences. In the context of the Special Purpose 3, the TC String itself does not present any particular privacy risks for data subjects, as it merely reflects their privacy choices.</p> <p>Finally, it is generally a service-specific and non-unique data point (as it is entirely possible that a multitude of users make the same choices on any given day. It does not as a result introduce new vectors for cross-website tracking (such as fingerprinting). Additionally, Special Purpose 3 does not cover such processing activities, which are separately covered by Special Feature 2 and for which users are always given the choice to opt-in. Therefore, the processing does not entail any heightened privacy risks for data subjects; instead, it embodies the principle of data minimisation, as confirmed by the APD (Autorité de</p>

	<p>protection des données) decision of February 2022.</p> <p>The processing at stake does not lead to loss of control over the personal data. It serves exactly the purpose of providing the user with such control over it.</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"> • All data subjects from the EEA, UK and Switzerland are asked to offer their choice regarding the display of ads before RTB House will serve them. • The information displayed to the data subject is presented in a standardized manner, including by using the “User-friendly text” and “Illustrations”, so that the description of the purpose is more clear. • Data subjects will be informed of the processing by the controller. Moreover, this Legitimate Interest Assessment will be presented to the data subject. • The controller has implemented appropriate technical and organisational measures to ensure the security of the personal data processed in the controller's IT systems.
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5. Final assessment of the legal basis

<p>Given the above circumstances, is the controller's interest in the processing at least equivalent to the data subject's rights, freedoms and interests?</p>	<p>The controller's interest in processing personal data to save and communicate privacy choices is at least equivalent to the interests or fundamental rights and freedoms of the data subjects.</p>
<p>Possible additional commentary</p>	<p>Not applicable.</p>

6. Opinion of the Data Protection Officer

Opinion of the DPO	<p>I hereby agree with the Data Privacy Team's standpoint on the legitimate interest assessment of the processing of personal data of website users under the IAB TCF mechanism to deliver and present advertising (special purpose 3). The controller has a legitimate interest in processing the personal data of users for the abovementioned purpose, and their rights, freedoms and interests do not outweigh this interest. Therefore, the personal data processing in question may be based on the legal basis specified in Article 6 section 1 letter f) of the GDPR.</p>
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