

Nimbus and CCPA compliance

Note: This document is current as of January 1, 2020. It will be updated frequently as the regulations and the IAB framework develops. Please check with your contact at Timehop/Nimbus for the most recent version.

Introduction

At Nimbus, compliance with data protection rules is of paramount importance. We are not a data company: Nimbus does not make any revenue off of your user data, we do not resell your user data, we do not “enrich” your user data. We only process your publisher’s user data to make Nimbus run, and we do this at your direction.

Nimbus operates as a data processor of your user data. We operate under a data processing agreement (DPA). When you sign an agreement to use the Nimbus software, you will also sign a DPA that gives Nimbus the right to store and process your user data only for the effective use of the Nimbus platform. When signing your DPA, you will list exactly what data you’ll be sending to Nimbus, and what you want Nimbus to do with your user data when our agreement is done - destroy it or return it. Any use of your user data not authorized explicitly in the DPA will not be performed.

This is in contrast to some other bidding technologies that act as a joint controller of your user data, in the sense that there are certain things they can decide to do with your user data. We do not take that approach. We can’t do anything with your user data you don’t want us to.

CCPA, You, Nimbus, and Demand Partners

The crux of CCPA compliance when using Nimbus, then, is as follows:

1. You, as a publisher, are responsible for providing your users with a the necessary legal data collection notice and providing them with a means of opting out of data collection.
2. CCPA provides regulations around the “selling” of personal data. Nimbus takes no position on whether, as some have debated, the processing of personal data in connection with real-time bidding constitutes a “sale” of data. The Nimbus platform is built to support your decision, as a publisher, on this topic, whether you determine the use of personal data in real-time bidding is a data sale or not. It is important that you discuss your situation with your legal counsel.
3. The IAB has put forth a draft version of a CCPA compliance framework for publishers and technology companies. Nimbus is supporting this framework and is capable of facilitating the use of the framework. However, Nimbus makes no representation as to the legality of the use of the IAB CCPA compliance framework. You can read more about the IAB CCPA compliance framework here: <https://www.iab.com/guidelines/ccpa-framework/>
4. You, as a publisher, sign separate agreements with every demand partner that also includes an agreement on their allowed use of your user data.
5. Nimbus brokers your ad auction with *only* the data partners with whom you have activated, agreed upon, and signed the appropriate agreements.
6. If you choose to use the IAB CCPA compliance framework, Nimbus is capable of handling the appropriate parameters within the Open RTB framework.
7. You as a publisher can determine for yourself whether to apply the IAB CCPA framework to only California or the entire United States. Nimbus will support both of these approaches.
8. Nimbus stores the relevant data only for Nimbus’ operational needs, per our DPA.

You, Your Demand Partners, and Opt-Out

Nimbus is flexible in how it handles opt-outs. There are two principal approaches. You, as a publisher, may use one approach or another for each demand partner:

1. A blanket agreement with the demand partner that states you will only send ad requests from users that have not opted out.
2. Passing an IAB CCPA Framework-compliant consent string within the Open RTB request to the Nimbus auction

Building Your IAB CCPA Framework-compliant RTB Request

1. The Bid Request

You will send your Open RTB POST request to Nimbus, protected by SSL. Contained in the Open RTB request body within the Regs.ext object is a field titled “us_privacy”. This string must follow the US Privacy String standard as defined by the IAB. It will define whether explicit notice been provided to the user, whether the user opted-out of the sale of their personal information, and whether the publisher is a signatory to the IAB Limited Service Provider Agreement (LSPA).

2. Logical Checking

If the request received by Nimbus is subject to CCPA, Nimbus then checks if the publisher app has included the us_privacy string.

3. Logical Branching

Nimbus propagates the request to all demand partners following the IAB/CCPA specification.

The IAB CCPA Limited Service Provider Agreement provision

The IAB has announced a CCPA Limited Service Provider Agreement (LSPA) provision within their CCPA framework. The purpose of the LSPA is to ensure that all downstream parties comply with the IAB CCPA Open RTB string parameters. According to the IAB:

Strict rules apply after the consumer clicks the link, which will be effectuated through a Limited Service Provider Agreement. Not only will the “sale” of personal information cease, but the Agreement will cause downstream technology companies to become service providers of the publisher when the consumer opts-out of the “sale.” Doing so imposes strict limitations on data use by publishers and technology companies to only those specific and limited business purposes that are permitted under the CCPA (e.g., auditing, detecting security incidents, short term transient use, etc.).

Two significant benefits accrue from the Limited Service Provider Agreement. First, for participants in the Agreement, it creates a simple and efficient vehicle from which to create service provider relationships in the data supply chain without the need of having to enter into hundreds of separate contracts. Second, and most important, it provides participants with the opportunity to demonstrate accountability by requiring them to submit to audits to ensure that when the consumer opts-out, limited personal information is only being used for purposes permitted by the statute.

There are two components to the LSPA: *technical compliance* and *participation*. Nimbus plans to be fully compliant with the LSPA. That is, we will honor, respect, and facilitate the Open RTB parameters related to the IAB CCPA framework. You may use these parameters in your Open RTB requests.

Note that while an Open RTB request may occur using the LSPA’s technology, unless all parties are signatories to the LSPA framework, the end request may not

happen within the Framework. You can find more details here:

https://www.iab.com/wp-content/uploads/2019/10/IAB_CCPA_Compliance_Framework_Draft_for_Public_Comment_Oct-2019.pdf

At this time, the IAB has yet to publish the details or a draft of the LSPA. Therefore, at this time, it is impossible for Nimbus to *participate* in the LSPA program. Nimbus plans on joining the program at the appropriate time. We are monitoring these events as they unfold.

It is thus conceivable that even if you, as a publisher, and Nimbus, as your mediation, are both signatories to the LSPA, if the end bidders are not all signatories, the ad request will then happen outside of the LSPA framework. We will be communicating closely with our demand partners to determine their participation in the framework. Please contact us for the latest information on which demand partners are participating in the LSPA framework, or contact each of your demand partners.

If you have joined the LSPA, and are supporting it technically, and need Nimbus to participate in the framework or want up-to-the-minute information on this topic, please contact your representative at Nimbus.