

How The Ad Industry is Lobbying The Corridors of Power

The prospect of an incoming Biden administration alongside the new-look composition of both Congressional chambers, has leaders in the marketing industry pondering what the next four years will hold for them.

Mainstream media outlets have focused on how President-elect Joe Biden will look to tame Big Tech. There's widespread anticipation of stricter anti-trust enforcement and the potential for blocking mergers and acquisitions in the sector. But at the moment, the more universal concern for media practitioners is on how privacy issues will be addressed.

Industry leaders are closely examining how more active policing of large corporations—online advertisers in particular—will impact the collection, mining and trading consumer data. The Interactive Advertising Bureau is facilitating such discussions at its annual Policy Summit this week.

Industry advocates want to steer policymakers away from a patchwork of state privacy laws. A prime of example of that legal jumble can be seen in the recently passed California ballot known as CPRA, or CCPA 2.0. The prospect of similar versions of that law being replicated by other states represents a logistical nightmare—not to mention a maddeningly more complex legal minefield—to the online ad industry.

Instead, they are trying to lobby for a national privacy law via initiatives such as the Privacy for America, which is a

coalition steered trade bodies such as the 4A's, ANA, and IAB.

The group has already drafted a 50-page proposal. The draft has been submitted to Congressional representatives for consideration in the chamber's current makeup. Several sources articulated their hope that the proposals will be acted upon and drafted into law in the near future.

Regaining earlier momentum

Dave Grimaldi, IAB evp, public policy, told Adweek there had been considerable momentum in Congress towards the drafting of a federal privacy statute in the early part of 2020. But this effort stalled as the Covid-19 pandemic took precedence.

Scott Sullivan, CRO at Adswerve, and former head of Google Marketing Platforms, pointed out how eight states have now rolled out separate privacy laws (of varying stipulations). That scenario is likely to prove confusing for the industry and consumer advocates alike.

He expects this situation to be sorted out, predicting the incoming Biden administration will seek to align policies across the union. "We can realistically expect to see the Biden administration push out a bill for a national GDPR-like policy in 2021," he added.

Grimaldi further spoke of his hope that last year's momentum will pick up with relevant subcommittee and full committee hearings taking place by the second quarter of 2021.

"I hope that the White House leans heavily into online data protection and privacy and leads the new national dialogue on it, and calls on Congress to draft, introduce and pass legislation for national privacy," he told Adweek.

Conflated notions?

Several participants at this week's IAB Policy Summit expressed their anxieties over how concerns around data

security, such as hacks from foreign governments, were being “conflated” with the ways more honest actors use consumer data.

Liz Oesterle, vp of government affairs at Experian said incidents such as the 2017 cyberattack suffered by her employer’s sister-company Equifax were posing as a roadblock when trying to hone politicians’ thinking on consumer data.

“Those types of intrusions can throw the privacy debate wildly off course,” she said, adding that education of key stakeholders on Capitol Hill is crucial for ambitions of a national law to be realized.

“Obviously it’s a little bit early to know who is going to have the gavel in the Senate,” added Oesterle. “And there could be a bit of a change in terms of the faces on [key] committees, particularly the Senate Commerce Committee ... but there’s going to be some reeducation that will have to be done there given there are a lot of new members of Congress.”

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