

NAI PRECISE LOCATION INFORMATION SOLUTION PROVIDER VOLUNTARY ENHANCED STANDARDS

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This document is intended as a set of voluntary Enhanced Standards for Precise Location Information Solution Providers (Location Solution Providers), a subset of Network Advertising Initiative (NAI) member companies that collect Precise Location Information¹ and use it to provide location-based audiences or other analytical services to clients.

These NAI members analyze large amounts of Precise Location Information in order to gain insight into the types of locations the raw location information relates to, such as which raw coordinates represent coffee shops, clothing stores, or gas stations. These Location Solution Providers maintain a variety of clients – including advertisers, publishers, digital advertising platforms, financial institutions, municipalities, and scientific researchers – that rely on them to provide context to raw location data, such as a particular point of interest (POI) associated with that Precise Location Information.

These Location Solution Providers are therefore well-positioned to limit contextual information from being associated with POIs that an average person would regard to be more sensitive in nature, thus preventing their clients, and other market participants downstream, from using such contextual information for any purpose. Location Solution Providers are also well-positioned to prevent Precise Location Information from being used for certain purposes that may be detrimental to consumers, such as bounty hunting, or law enforcement outside of legal due process.

NAI members who are Location Solution Providers and choose to make a public commitment to follow these Enhanced Standards will be assessed for compliance by NAI staff. For these companies, and any affiliates under common control, a material violation of these Enhanced Standards will result in enforcement, and could ultimately result in sanctions according to the NAI's Sanctions and Enforcement Procedures, in addition to potential Federal Trade Commission enforcement based on participating members' public representations of compliance.

¹ The 2020 NAI Code of Conduct defines Precise Location Information as “data that describes the precise geographic location of a device derived through any technology that is capable of determining with reasonable specificity the actual physical location of an individual or device, such as GPS-level latitude-longitude coordinates or location-based radio frequency signal triangulation” (§ I. L.).

I. Sensitive Points of Interest Requirements

A. Sensitive Points of Interest

Sensitive Points of Interest (Sensitive POIs) are the associations of location information, including Precise Location Information, with additional information about that location that may reveal Sensitive Information² about consumers, or that an average person would reasonably consider to be particularly private. Sensitive Points of Interest include:

- Places of religious worship
- Correctional facilities
- Places that may be used to infer an LGBTQ+ identification
- Places that may be used to infer engagement with explicit sexual content, material, or acts
- Places primarily intended to be occupied by children under 16
- Domestic abuse shelters, including rape crisis centers
- Welfare or homeless shelters and halfway houses
- Dependency or addiction treatment centers
- Medical facilities that cater predominantly to sensitive conditions, such as cancer centers, HIV/AIDS, fertility or abortion clinics, mental health treatment facilities, or emergency room trauma centers
- Places that may be used to infer refugee or immigrant status, such as refugee or immigration centers and immigration services`
- Credit repair, debt services, bankruptcy services, or payday lending institutions
- Temporary places of assembly such as political rallies, marches, or protests, during the times that such rallies, marches, or protests take place
- Military bases

Commentary: This list of Sensitive POIs is not exhaustive, and participating members may individually choose to add further categories of locations they consider to be sensitive. Participating members may disclose additional categories of locations they consider to be sensitive to the NAI for further consideration and inclusion in updates to these Enhanced Standards. During the compliance process, the NAI will review and evaluate lists and samples provided by participating members, and we reserve the right to specifically identify additional examples of Sensitive POIs.

If a certain building or place includes Sensitive POIs and non-sensitive POIs, participating member companies may continue to associate the raw Precise Location Information with the non-sensitive POI. For example, if a cancer clinic and a restaurant occupy the same building, a participating member company may continue to associate that location with a restaurant, but may not associate it with a cancer clinic.

- B. Participating members shall take commercially reasonable efforts to maintain a directory of known Sensitive POIs, samples of which shall be subject to annual reviews by the NAI or its designees.
- C. Participating members shall not use, allow the use of, sell, or share any information about device or user activity correlated to a known Sensitive POI.

² The 2020 NAI Code of Conduct defines Sensitive Information as including “Social Security Numbers or other non-publicly available government-issued identifiers; Insurance plan numbers; Financial account numbers; Information about any past, present, or potential future health or medical conditions or treatments, including genetic, genomic, and family medical history, based on, obtained or derived from pharmaceutical prescriptions or medical records, or similar health or medical sources that provide actual knowledge of a condition or treatment (the source is sensitive); Information, including inferences, about sensitive health or medical conditions or treatments, including but not limited to, all types of cancer, conditions predominantly affecting or associated with children and not treated with over-the-counter medication, mental health-related conditions, and sexually transmitted diseases (the condition or treatment is sensitive regardless of the source); and Information, including inferences, about a user’s sexual orientation” (§ I. O.).

Commentary: Notwithstanding the restrictions in § I.C., participating members may share a directory of Sensitive POIs with partners and clients for the express purpose of enabling those entities to also remove or block such locations from their platforms or databases. Participating members may also share data with technical service providers, such as cloud-storage service providers, to the extent necessary to comply with these Enhanced Standards, where such data is not processed or transferred beyond the specifically limited technical services, and the technical service provider does not retain any rights to the data it processes on behalf of a client.

II. Use and Transfer Restrictions

Participating members shall not use, allow the use of, sell, or share Precise Location Information for law enforcement, national security, or bounty-hunting purposes, except as necessary to comply with a valid legal obligation.

III. Limited Exception

The requirements and restrictions established in this document do not apply when Participating Members or their clients have a direct relationship with the consumer, and Precise Location Information is collected directly from devices, with the consumer's consent, for the purposes of providing a service directly requested by the consumer. For example, when a participating company also provides a mapping service and needs to guide consumers to a Sensitive Point of Interest, or offers social functionality such as voluntary identification with Sensitive POIs.

The following companies have voluntarily adopted these Enhanced Standards:



FOURSQUARE

