

NAI Precise Location Information Solution Provider Voluntary Enhanced Standards

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This document is a set of voluntary Enhanced Standards for Precise Location Information Solution Providers (“Enhanced Standards”), a subset of NAI member companies that collect precise location information and use it to create or provide location-based audience segments or other location-based analytical services to clients (“Location Solution Providers”). In keeping with all of the NAI’s guidance and best practices, these Enhanced Standards apply only to signatories’ activities in the United States and with respect to consumers in the U.S.

Location Solution Providers analyze precise location information (PLI) in order to gain insight into the points of interest (POIs) that certain location information relates to, such as which latitude and longitude coordinates correspond to coffee shops, or 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 PLI such as latitude and longitude coordinates.

These Location Solution Providers are therefore well-positioned to limit how PLI related to an individual consumer or device is associated with POIs that are 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 PLI from being used for certain purposes – even internally – that may be detrimental to consumers, such as bounty hunting, or law enforcement activity outside of legal due process (such as through a valid subpoena or warrant).

Signatories to these Enhanced Standards are publicly committing to follow them, and the NAI staff will assess their compliance with the Enhanced Standards annually. If the NAI finds through an annual assessment that a signatory has not materially complied with the Enhanced Standards the NAI may remove the signatory from these Enhanced Standards.

I. Definitions

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 information about consumers, or that a reasonable person would consider to be private. These Enhanced Standards divide Sensitive Points of Interest (Sensitive POIs) into two distinct categories (Definitive and Non-Definitive Sensitive POIs) which reflect how lists of those Sensitive POIs are developed or maintained for purposes of compliance with these Enhanced Standards.

As set forth below, Definitive and Non-Definitive Sensitive POIs are subject to different requirements under these Enhanced Standards. All Definitive Sensitive POIs and Non-Definitive Sensitive POIs are Sensitive POIs.

1. Definitive Sensitive POIs

The first category of Sensitive POIs – Definitive Sensitive POIs – are derived from a comprehensive source of classification that defines the POIs within a given category. This includes the North American Industry Classification System (NAICS) from the United States Census Bureau,¹ the Standard Industrial Classification (SIC) System from the Occupational Safety and Health Administration,² and other similar sources of classification, directories, or proprietary datasets. For example, NAICS includes the classification code “922140 Correctional Institutions” which categorizes Sensitive POIs associated with correctional facilities under the Enhanced Standards (see section 1.b below).

Definitive Sensitive Points of Interest include:

- a. Places of religious worship
- b. Correctional facilities
- c. Places held out to the public as involving engagement with explicit sexual content, material, or acts
- d. Places held out to the public as predominantly providing education or childcare services to minors
- e. Domestic abuse shelters, including rape crisis centers
- f. Welfare or homeless shelters and halfway houses
- g. Dependency or addiction treatment centers
- h. 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
- i. Places held out to the public as primarily providing refugee or immigrant services, such as refugee or immigration centers and immigration services
- j. Credit repair, debt services, bankruptcy services, or payday lending institutions
- k. Military bases

2. Non-Definitive Sensitive POIs

The second category of Sensitive POIs – Non-Definitive Sensitive POIs – cannot readily be derived from a comprehensive classification system. For example, temporary places of assembly such as political rallies, marches, or protests are Sensitive POIs, but given their fleeting nature and other factors, do not have NAICS codes associated with them. Similarly, there are no NAICS codes or other classification system that the NAI is aware of for locations that hold themselves out to be primarily serving LGBTQ+ individuals (e.g. community centers, bars, nightclubs, etc.).

1 <https://www.census.gov/naics/>

2 <https://www.osha.gov/data/sic-search>

Non-Definitive Sensitive Points of Interest:

- a. Temporary places of assembly such as locations or venues at the time(s) when political rallies, marches, or protests are taking place
- b. Places held out to the public as primarily serving individuals who identify as LGBTQ+, including gender-affirming care and transgender-specific medical services

Commentary:

The NAI recognizes the challenging nature of identifying locations that are Non-Definitive Sensitive POIs such as those associated with political rallies; or those held out as primarily serving LGBTQ+ individuals and that therefore may reveal an individual's sexual orientation or status.

This list of Sensitive POIs is not exhaustive, and signatories may individually choose to add further categories of POIs they consider to be sensitive. Signatories 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 annual assessments, the NAI will review and evaluate lists and samples of Sensitive POIs provided by signatories, and reserves the right to specifically identify additional examples of Sensitive POIs.

If a certain building or place includes Sensitive POIs and non-sensitive POIs, signatories may continue to associate the raw precise location information with the non-Sensitive POI. For example, if a psychotherapist's office and a realtor's office occupy the same building, a signatory company may continue to associate latitude and longitude coordinates for that location with the realtor's office, but may not associate it with the psychotherapist's office.

II. Sensitive POI Requirements

1. Signatories shall not use, license, sell, share, transfer, or otherwise make available any information about device or user activity correlated to a known Sensitive POI. Signatories shall facilitate their compliance with this obligation by complying with the requirements of Sections II.2-4.

2. Signatories shall contractually prohibit all entities to which they license, sell, share, transfer, or otherwise make available precise location information from associating a device or consumer, however identified, with any known Sensitive POI.

3. In addition to the contractual measures set forth in Section II.2, signatories shall take steps to safeguard precise location information that may be associated with Non-Definitive Sensitive POIs. By way of example, such efforts may include taking one or more of the following steps to identify venues and events that may be Non-Definitive Sensitive POIs (e.g., nightclubs that hold themselves out as primarily serving LGBTQ+ customers, or especially prominent political rallies or conventions):

- a. Manual research for large metropolitan areas (e.g. web searches and/or consulting local directories);
- b. Integration with event service APIs and use of keyword searches for API data;

- c. Data-source filtering (e.g., identifying and suppressing data sources that are more likely to be associated with or indicate an affinity for the subject matter of Non-Definitive Sensitive POIs such as LGBTQ+-specific dating apps);
 - d. Use of proprietary datasets or insights, or licensing or purchasing lists compiled by reputable providers;
 - e. Monitoring of developments in the news, media, or other channels to identify political rallies, events, venues, and other activities which may involve Non-Definitive Sensitive POIs.
4. Signatories shall
- a. Create and maintain, or license, a directory of known Definitive Sensitive POIs; or
 - b. Review all POIs maintained by the signatory before they are licensed, sold, shared, transferred, or otherwise made available by the signatory to ensure they do not include any known Sensitive POIs.

III. Precise Location Information Use and Transfer Restrictions

Signatories shall not use, sell, or share any precise location information for law enforcement, national security, or bounty-hunting purposes, except as necessary to comply with a valid legal obligation.

IV. Limited Exceptions

1. The requirements and restrictions established in these Enhanced Standards do not apply when signatories 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, if a signatory also provides a mapping service and needs to guide consumers to a Sensitive POI, or offers social functionality such as voluntary identification with Sensitive POIs.

2. For the avoidance of doubt, signatories may share a directory of Sensitive POIs with partners, clients, and service providers for the express and sole purpose of enabling those entities to also remove or block such locations from their platforms or databases. Signatories 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. Any directory of Sensitive POIs may not include any precise location information associated with a consumer or device.

3. Nothing in these Enhanced Standards prohibits a signatory from processing precise location information for the limited purpose of facilitating compliance with these Enhanced Standards, including processing precise location data to delete, aggregate, or render it non-sensitive.

The following companies have voluntarily adopted these Enhanced Standards:



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Place 