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Washington, DC 20004

June 10, 2025

Submitted via electronic mail to regulations@cppa.ca.gov

California Privacy Protection Agency
Attn: Legal Division – Regulations Public Comment
400 R Street, Suite 350
Sacramento, CA 95811

Re: Public Comment on Accessible Deletion Mechanism

To the California Privacy Protection Agency:

On behalf of the Network Advertising Initiative ("NAI"),[1] thank you for the opportunity to comment on the proposed regulations regarding the Delete Request and Opt–out Platform ("DROP") System Requirements (the "Proposed Regulations").[2] The NAI appreciates both the continued commitment the California Privacy Protection Agency (the "Agency") has shown to transparency and the opportunity to provide written comments throughout this rulemaking.

We offer the following comments and recommendations on the Proposed Regulations, which we hope will assist the Agency in meeting its consumer privacy objectives for the rulemaking while preserving a free, open, and secure internet for all California consumers.

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[1] The NAI is a non-profit, self-regulatory association dedicated to responsible data collection and use for digital advertising. The NAI has been a leader in this space since its inception in 2000, promoting the highest voluntary industry standards for member companies, which range from small startups to some of the largest companies in digital advertising. The NAI's members are providers of advertising technology solutions, and include ad exchanges, demand- and supply-side platforms, as well as other companies that power the digital media industry. Our member companies help digital publishers generate essential ad revenue, advertisers reach audiences interested in their products and services, and ensure consumers are provided with ads relevant to their interests. Earlier this year, the NAI launched its new Self-Regulatory Framework Program (the "NAI Framework") to promote strong privacy practices for NAI members engaged in behavioral advertising. *See NAI Self-Regulatory Framework*, https://thenai.org/self-regulatory-framework/.

[2] Cal. Code Regs. tit. 11, §§ 7601 *et seq.* (proposed) (hereinafter "Proposed Regulations"), https://cppa.ca.gov/regulations/pdf/ccpa_updates_accessible_deletion_mechanism_text.pdf.

In Section I, we offer comments on how the Agency can update several definitions in the Proposed Regulations to promote uniform interpretation and avoid ambiguity, including by adding a definition for the term "matched identifier."

In Section II, we offer comments on how the Agency can update the Proposed Regulations on DROP requirements to ease implementation and manage associated costs for data brokers while remaining consistent with the Agency's goals for the rulemaking. This includes comments on standards for account liability, retrieval of consumer deletion lists, payment of fees, and status reporting for deletion requests.

In Section III, we offer comments on how the Agency can update the Proposed Regulations on consumer and authorized agent delete requests to ensure that consumers submitting personal information through the DROP are properly verified; as well as to promote consumer privacy by obtaining consumer consent before sending personal information to data brokers and by more explicitly limiting what personal information an authorized agent can submit through the DROP.

These comments are set forth in more detail below.

I. Definitions

A. The Proposed Regulations should adopt a definition of "matched identifier".

The Proposed Regulations use the term "matched identifier" in several places, including as part of the definition of "personal information associated with a matched identifier."[3] However, the Proposed Regulations do not define that term. To facilitate consistent business compliance with consumer deletion requests submitted through the DROP,[4] the Agency should add a definition of "matched identifier" to the Proposed Regulations.

The key elements of this definition should not only address the intended use of matched identifiers – *i.e.*, to match the identity of consumers who submit requests through the DROP with individuals about whom a business holds personal information; but should also address the specific types of personal information that consumers may submit

[3] The term "matched identifier" is used as part of the definition of "personal information associated with a matched identifier." *See* Proposed Regulations § 7601(i). Additionally, the term "matched identifier" is used throughout the Proposed Regulations in isolation, further suggesting the need for a standalone definition of the term. *See id.* §§ 7613(a)(2)(B); 7613(b)(1); 7614(b)(2)(A).
[4] *Id.* § 7601(e).

through the DROP to effectuate deletion requests. For example, if the Agency intends to enable consumers to submit only specific types of identifiers through their DROP accounts (*e.g.* email address, phone number, mobile advertising identifier, etc.) then a definition of "matched identifier" should specify and clarify that fact. Further, adding this clarity to the definition would not limit the scope of the already defined term "personal information associated with a matched identifier" because all other types of personal information that a business associates with a "matched identifier" would continue to be captured by that broader definition for purposes of effectuating consumer deletion requests (*e.g.*, non-standard identifiers such as internal or proprietary identifiers; inferences; consumer profiles; etc.).

By adopting a definition of "matched identifier," the Agency would have an opportunity to further clarify the meaning of other defined terms, especially "consumer deletion list"[5] and "personal information associated with a matched identifier."[6] First, by defining "matched identifier" partly in reference to "consumer deletion list," the Agency can clarify the relationship between the consumer deletion lists maintained by the Agency in the DROP and the matching process a data broker is expected to undergo in effectuating consumer deletion requests submitted through the DROP. Second, by updating the definition of "personal information associated with a matched identifier" in reference to a newly defined term "matched identifier," the Agency can further clarify what personal information a data broker must delete after it has determined it holds a "matched identifier," which is one of the Agency's stated objectives for this part of the Proposed Regulations.[7]

The NAI recommends the following definition of "matched identifier," which the Agency could build on by appending additional types of identifiers it intends to enable consumers to submit through the DROP and maintain in the consumer deletion list, as follows:

> *"Matched identifier" means personal information controlled by a data broker that, alone or in combination, the data broker uses to uniquely identify a consumer and that matches one or more of the following types of identifiers obtained by the data broker from a consumer deletion list: email address; phone number; combination of name, date of birth, and zip code; [mobile advertising ID]; [additional specified types of identifiers].*

[5] Proposed Regulations § 7601(c).
[6] *Id.* § 7601(i).
[7] *See* California Privacy Protection Agency, Initial Statement of Reasons, Accessible Deletion Mechanism (hereinafter "ISOR") at 5, https://cppa.ca.gov/regulations/pdf/ccpa_updates_accessible_deletion_mechanism_isor.pdf.

B. The Proposed Regulations should update the definition of "personal information associated with a matched identifier" to clarify the scope of information data brokers must delete in response to a deletion request received from the DROP.

The Proposed Regulations seek to specify what information a data broker must delete in response to a consumer deletion request submitted through the DROP by adding the following definition of "personal information associated with a matched identifier"[8]:

> *[A]ny personal information maintained in a data broker's records collected from a source other than directly from the consumer through a "first party" interaction. This does not include personal information that is subject to applicable exemptions, but includes inferences made from the personal information.*

The Agency should further clarify the scope of information covered by the proposed definition by taking two steps.

First, the Agency should adopt a definition of "matched identifier" as discussed above[9] and use the newly defined term "matched identifier" in the definition of "personal information associated with a matched identifier." The NAI's recommended language is set out below.

Second, the Agency should further clarify which inferences are covered by the definition. The Proposed Regulations specify that certain inferences are personal information that data brokers must delete in response to a consumer deletion request submitted through the DROP.[10] But which inferences are covered is potentially ambiguous, and appear to admit of both a narrower and broader reading.

The scope of covered inferences could be read more narrowly to mean inferences made **only** from the personal information maintained in a data broker's records collected from a source other than directly from the consumer through a "first party" interaction. However, it could also be read more broadly to mean all inferences about a consumer drawn from personal information maintained in a data broker's records, regardless of whether the data broker collected the underlying personal information supporting those

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[8] Proposed Regulations § 7601(i). The Proposed Regulations also specify that a data broker must delete "all personal information associated with a matched identifier" in response to a consumer request submitted through the DROP. *See id.* § 7613(a)(2).

[9] *See supra* Section I.A.

[10] *See* Proposed Regulations § 7601(i) (referring to "inferences made from the personal information.").

inferences directly from the consumer in a "first party" context or not. This potential scoping ambiguity also raises a question about whether an inference made about a consumer by a business is ever personal information collected directly from the consumer.

The Proposed Regulations could address these issues by updating the definition of "personal information associated with a matched identifier" to either the narrower or broader meaning, depending on the Agency's intent. In both cases, the Agency should include the term "matched identifier" in the definition, as discussed above.

> Proposed update for a narrower reading:
>
> *[A]ny personal information associated with a "matched identifier" maintained in a data broker's records collected from a source other than directly from the consumer through a "first party" interaction, including inferences drawn from such personal information. This does not include personal information that is subject to applicable exemptions~~, but includes inferences made from the personal information~~.*
>
> Proposed update for a broader reading:
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> *[A]ny personal information associated with a "matched identifier" maintained in a data broker's records collected from a source other than directly from the consumer through a "first party" interaction. This does not include personal information that is subject to applicable exemptions, but includes any inferences made from ~~the~~ personal information about the consumer, regardless of the source of such personal information.*

By adopting one of these recommended updates, the Agency can promote consistent interpretation of the definition among data brokers as to what information they must delete in response to a consumer's deletion request submitted through the DROP.

II. DROP Requirements

A. The Agency should limit data broker liability for DROP account activity to instances of negligent failure to comply with security measures because strict liability is overly burdensome.

Businesses have an important responsibility to implement and maintain reasonable security measures to safeguard systems and consumer personal information under their control. However, the Proposed Regulations should not hold businesses strictly liable for security breaches, regardless of fault. Currently, the Proposed Regulations state that a

"data broker is responsible for all actions taken through its DROP account,"[11] but this blanket requirement does not take into account whether the broker has followed all required security practices set out in the Proposed Regulations. This imposes a strict liability standard even though the Proposed Regulations also mandate detailed security measures for DROP accounts, including credential confidentiality, access restrictions, and breach notification requirements.[12] These measures, which the NAI supports, are designed to prevent unauthorized activity and represent a reasonable and appropriate standard of diligence for DROP account security.

The Proposed Regulations as currently written would impose liability even in circumstances where a malicious actor gains access to a data broker's DROP account by compromising the Agency's systems, and through no fault of the business whatsoever. The NAI therefore respectfully recommends that the Agency adopt a negligence standard that holds data brokers liable only when they negligently fail to implement or comply with the security requirements as described in the Proposed Regulations. This approach would maintain meaningful accountability for deficient security practices while avoiding unfair penalties where reasonable precautions have been taken. For these reasons, the NAI recommends that the Agency revise Section 7610 (a)(1)(D) of the Proposed Regulations as follows:

> *A data broker is responsible for all actions taken through its DROP account, except that a data broker shall not be liable for unauthorized actions taken through its DROP account unless such actions result from the data broker's negligent failure to implement or maintain reasonable security procedures and practices as required by this Section.*

B. The Agency should not require a data broker to retrieve a "consumer deletion list" if the data broker does not maintain any of the relevant identifiers and where such retrieval would not produce any "matched identifiers."

The Proposed Regulations require data brokers to select "at least one consumer deletion list that the data broker will retrieve through the DROP" for purposes of effectuating consumer deletion requests submitted through the DROP.[13] However, this requirement as written appears to apply even in cases where a data broker does not maintain any of the identifiers represented in the consumer deletion list, such as "email address, phone

[11] Proposed Regulations § 7610(a)(1)(D).
[12] *See id.* §§ 7610(1)(a)-(c); 7616(b).
[13] *Id.* § 7610(a)(3).

number, or combination of name, date of birth, and zip code."[14] Some data brokers operate entirely using identifiers – such as proprietary cookie IDs – that do not appear to be under consideration for inclusion on a consumer deletion list. For such data brokers, the requirement to retrieve a list goes against best practices for data minimization by requiring them to access, store, and report on data that they otherwise would not possess and which they cannot match to any of their own records.

Furthermore, when read together with the requirement in the Proposed Regulations that a data broker must save and maintain consumer personal information retrieved through the DROP,[15] the "at least one" requirement would obligate these businesses to store large volumes of identifiers that they have no ability to use, for an indefinite period. This result would undermine the data minimization principles the Agency otherwise seeks to uphold in the design of the DROP,[16] while offering no benefit to consumers.

Moreover, if a data broker later begins processing a new category of personal information that matches a type of identifier included in a consumer deletion list, the Proposed Regulations already require the data broker to update its list selection accordingly.[17] That safeguard ensures consumers are covered in cases where a data broker begins collecting a type of identifier on a consumer deletion list, without requiring the data broker to preemptively retrieve irrelevant lists in advance. The existing framework thus already ensures coverage for consumers without the overbroad "at least one" requirement in the Proposed Regulations.

For that reason, the NAI recommends the Agency amend section 7610(a) to eliminate the "at least one" requirement and clarify that data brokers are only required to retrieve consumer deletion lists containing identifiers that match categories of personal information they actually maintain. The NAI proposes the following revision:

> *(a) Prior to accessing the DROP for the first time, a data broker shall utilize the Agency's website found at www.cppa.ca.gov to create a DROP account. To create an account, a data broker must:*
> …

[14] *Id.* § 7601(c).
[15] *Id.* § 7613(c).
[16] The Delete Act directs the Agency to design the DROP in a way that allows consumers to submit requests in "privacy-protecting" ways. *See* Cal. Civ. Code § 1798.99.86(b)(2).
[17] *See* Proposed Regulations § 7610(a)(3)(C) ("A data broker must maintain compliance with subparagraph (A) of this section at all times by selecting additional consumer deletion lists before next accessing the DROP if the data broker begins collecting additional categories of personal information about consumers that match to identifiers under previously unselected consumer deletion lists.").

(3) Select ~~at least one~~ the consumer deletion list(s) that the data broker will retrieve through the DROP to process deletion requests in accordance with Civil Code section 1798.99.86 and this Chapter.

(A) A data broker must select all consumer deletion lists that contain a consumer identifier or identifiers that match to personal information about the consumer within the data broker's records.

(B) Notwithstanding subparagraph (A), a data broker may select fewer lists if the consumer identifiers used across multiple lists will result in matches to a completely duplicative list of consumers within the data broker's records. For example, if a data broker collects both email addresses and telephone numbers for every consumer in its records, then the data broker may select only the email address or telephone number consumer deletion list. If a data broker collects email addresses for some consumers and telephone numbers for other consumers, however, then the data broker must select both lists. If a data broker does not maintain any personal information corresponding to the identifiers in a consumer deletion list, it is not required to retrieve the list.

This revision would better support the principles of data minimization and a more privacy-protective design for the DROP because it would not require data brokers to access and store consumer personal information they cannot use to effectuate consumer requests to delete. Further, it will not excuse data brokers from accessing relevant consumer deletion lists because the Proposed Regulations would still require data brokers to access those lists as soon as they begin associating consumer personal information with a type of identifier covered by a consumer deletion list.[18]

C. The Agency should clearly delineate fee requirements for DROP registration and access.

Data brokers are required to pay an annual registration fee under the Delete Act, which is currently set at $6,600.[19] The current registration fee of $6,600 is an order of magnitude higher than registration fees in prior years,[20] and the Agency has indicated that the purpose of the increase in the 2025 registration fees is to fund development and operation of the DROP.

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[18] *See* Proposed Regulations § 7610(a)(3)(C).
[19] Cal. Code Regs. tit. 11 § 7600.
[20] *See, e.g.,* California Privacy Protection Agency, Draft Data Broker Registration Regulations (2024) (showing initial data broker registration fees set at $400), https://cppa.ca.gov/regulations/pdf/data_broker_reg_prop_text.pdf.

The Proposed Regulations, however, also refer to a requirement that data brokers pay a "first-time access fee" for DROP participation, starting at $6,600 and decreasing each month thereafter depending on when access begins on a pro-rated basis.[21] As currently drafted, separate references to a $6,600 registration fee and a $6,600 first-time access fee creates confusion and raises questions about whether the Agency expects data brokers to pay a single registration that would cover the first-time access fee as well; or separate fees totaling $13,200 ($6,600 for registration plus a $6,600 first-time access fee).

For that reason, the Agency should revise Section 7611 to add a new subsection (d) explicitly stating that data brokers who pay the annual registration fee are not required to pay an additional first-time access fee for the DROP. The NAI proposes the following amendment:

> *(d) A data broker that has paid the annual registration fee pursuant to section 7600 of this Chapter shall not be required to pay an additional first-time access fee under this section during the same calendar year.*

This clarification would promote transparency, prevent redundant charges, and ensure that the fee structure supports full and timely participation in the DROP.

D. The Agency should replace the proposed status reporting structure with a simplified structure that still enables consumers to verify the status of a request.

The Delete Act sets out numerous design requirements for the DROP,[22] including a requirement that the DROP "shall allow the consumer . . . to verify the status of the consumer's deletion request" submitted through the DROP.[23] Under the Proposed Regulations, the Agency is interpreting this requirement to require data brokers to regularly report on the status of each deletion request they receive through the DROP using four separate types of structured, codified responses.[24]

Specifically, the Proposed Regulations would require status reporting for each access session following the initial access to the DROP platform, and would require data brokers

[21] Proposed Regulations § 7611(a)(3).
[22] *See* Cal. Civ. Code § 1798.99.86(a).
[23] *Id.* § 1798.99.86(a)(9).
[24] Proposed Regulations § 7614.

to link each individual deletion request to a specific "transaction identifier" provided by the agency, as well as one of four primary status "response codes."[25]

This detailed scheme for status reporting will impose significant engineering and operational costs on businesses by pushing them to automate classification of and responses to every deletion request that arrives through the DROP. It imposes a set of requirements beyond complying with consumer requests and would result in new workflows to return information to the DROP in a complex and structured format.

The Delete Act's requirement that the DROP should allow the consumer to verify the status of their request does not dictate this type of scheme. Instead, the Agency should take a simplified approach to this Delete Act requirement that will reduce costs for the Agency in development and implementation of the DROP as well as businesses integrating with the DROP. A simplified approach would only require the Agency to report to consumers through their DROP accounts whether their request is "pending" or "received" for each data broker with whom the consumer has requested deletion.

This approach provides a key point of transparency to consumers about the status of their deletion requests – as required by the Delete Act – without imposing an unnecessarily complex scheme that will drive up costs for the Agency and businesses. To follow a simplified approach, the NAI recommends that the Agency remove the text of Proposed Regulation 7614 in its entirety and replace it with the following:

> *After a consumer submits a deletion request through the DROP to a data broker, the Agency shall cause the DROP to show the status of that consumer's request to the data broker as "pending" until the data broker accesses the DROP to retrieve the consumer's deletion request. After the data broker retrieves the consumer's deletion request through the DROP, the Agency shall cause the DROP to show the status of that consumer's request as "sent."*

III. Consumer and Authorized Agent Delete Requests

A. The Agency should ensure that it will establish consumer residency in California before allowing a consumer to use the DROP.

Because the CCPA and the Delete Act grant deletion and opt-out rights only to California residents, the Proposed Regulations include provisions intended to limit consumer access

[25] The four response codes are "record deleted," "record opted out of sale," "record exempted," and "record not found." *Id.* § 7614(b).

to the DROP to California residents only.[26] Specifically, the Proposed Regulations state that:

> *Consumers may be required to have their California residency verified by the Agency prior to submitting a deletion request [through the DROP]. If the Agency cannot verify the consumer's residency, the consumer cannot submit a deletion request through the DROP.*[27]

In order to ensure that only California residents submit requests through the DROP, the Proposed Regulations should make it clear that consumers will always be required to verify their California residency with the Agency prior to submitting a request through the DROP. Clarifying this will help ensure that the resource burden for operating the DROP borne by California residents and registered data brokers results in benefits to California residents, not residents of other states. In addition, it will help ensure that data brokers receiving consumer requests through the DROP have no reason to contact consumers submitting requests in order to verify their status as California residents.

The NAI supports the Agency's position that data brokers should not need to contact consumers in order to verify their residency.[28] The NAI submitted extensive comments in support of that position in response to the Agency's invitation for preliminary comments on the rulemaking under the Delete Act in 2024.[29] However, if the Agency does not commit itself to verifying the California residency of all consumers before they submit requests through the DROP, data brokers may be unsure if a particular deletion request received through the DROP actually originated from a resident of California or a resident of a different state. This would create a reason for data brokers to seek confirmation of California residency and other elements of verification directly from consumers – a requirement the CCPA appears to identify as underpinning all verifiable consumer

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[26] *See* ISOR at 19 (stating that a consumer "may be required to have their residence verified by the Agency before submitting a deletion request through the DROP," and that this is necessary "because the deletion request rights only extend to California consumers.").
[27] Proposed Regulations § 7620(a).
[28] *See id.* § 7616(c). (proposed). ("A data broker shall not contact consumers to verify its deletion requests submitted through the DROP.").
[29] *See generally* Network Advertising Initiative, Preliminary Comments to the California Privacy Protection Agency Regarding SB 362 Proposed Rulemaking (June 25, 2024), https://thenai.org/wp-content/uploads/2024/06/NAI-Preliminary-Comments-SB362-Proposed-Rulemaking-June-25-2024-copy.pdf.

requests, including deletion requests.[30] To avoid this tension, the Agency should update Proposed Regulation 7620(a) as follows:

> *The Agency shall require ~~C~~consumers ~~may be required~~ to ~~have their~~ verify their California residency ~~verified by the Agency~~ prior to submitting a deletion request. If the Agency cannot verify the consumer's residency, the consumer cannot submit a deletion request through the DROP.*

B. The Agency should establish clear standards for how it will verify consumer identifiers before a consumer submits those identifiers for matching through the DROP.

To ensure that the DROP system operates as intended, it is essential that data brokers acting on requests have no reason to contact consumers to further verify the requests or authenticate the identifiers that consumers provide for purposes of matching through the DROP. This is the case both for a consumer's California residency, as discussed above,[31] as well as for specific identifiers that consumers submit through the DROP. The NAI commented extensively on this issue in response to the Agency's invitation for preliminary comments on Delete Act rulemaking.[32] To help ensure that data brokers will not have reason to contact consumers for purposes of verifying their requests, the Agency should commit itself to properly verifying and authenticating identifiers it allows consumers to submit through the DROP. To do so, the Agency should amend section 7620(b)[33] of the Proposed Regulations as follows:

> *Consumers may add personal information to their deletion requests, including date of birth, email address, phone number, and pseudonymous identifiers, such as a Mobile Ad Identifier (MAID). The Agency ~~may~~ shall use reasonable methods to verify that consumers have ownership and control of any such personal information before consumers add the information to their deletion request, and may further verify such information at any time.*

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[30] *See* Cal. Civ. Code § 1798.140(ak) ("A business is not obligated to . . . to delete personal information . . . if the *business* cannot verify . . . that the consumer making the request is the consumer about whom the business has collected information[.](emphasis added)."). It is not clear how Proposed Regulations § 7616(c) aligns with this aspect of the CCPA.

[31] *See supra* Section III.A.

[32] *See generally* Network Advertising Initiative, Preliminary Comments to the California Privacy Protection Agency Regarding SB 362 Proposed Rulemaking (June 25, 2024), https://thenai.org/wp-content/uploads/2024/06/NAI-Preliminary-Comments-SB362-Proposed-Rulemaking-June-25-2024-copy.pdf.

[33] Proposed Regulations § 7620(b).

Reasonable methods to confirm control over email addresses, phone numbers, and other identifiers may include requirements for consumers to access confirmation links or use confirmation codes sent by the Agency to email addresses and/or phone numbers. Because the Proposed Regulations also purport to disallow brokers from contacting consumers to actually verify the request,[34] it is essential that the Agency undertake confirmation of consumer control over identifiers they submit through the DROP.

C. The Agency should obtain consumer consent to disclose personal information for deletion requests through the DROP.

The Proposed Regulations posit that by virtue submitting a deletion request through the DROP, consumers "consent to disclosure of their personal information to data brokers for purposes of processing their deletion request[.]"[35] However, if the Agency's position is that consent is the appropriate standard governing consumer permission to submit information to data brokers through the DROP, the Agency should commit itself to obtaining consent from consumers before submitting their personal information to data brokers. Without clearly committing itself to this standard, the Agency would create confusion about whether the term "consent" under the Delete Act and its implementing regulations creates a lower standard than is set out by the CCPA[36] that can be met merely by a consumer submitting information. The NAI recommends the following changes to Proposed Regulation 7620(c) to address this issue:

> *Before ~~By~~ submitting a consumer's personal information to data brokers to effectuate the consumer's ~~a~~ deletion request, the Agency shall obtain the consumer's consent to ~~disclosure of~~ disclose their personal information to data brokers for purposes of processing their deletion request pursuant to Civil Code section 1798 and this Chapter ~~unless or until the consumer cancels their deletion request~~.*

D. The Agency should update the authorized agent provisions in the Proposed Regulations to be privacy-protective.

The Delete Act and the Proposed Regulations contemplate authorized agents using the DROP to aid in submitting consumer requests to delete.[37] However, authorized agents have been known to submit excessive personal information to businesses when seeking to exercise privacy rights on behalf of those consumers in a way that does not promote

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[34] *See* Proposed Regulations § 7616(c).
[35] *Id.* § 7620(c).
[36] *See* Cal. Civ. Code § 1798.140(h) (defining "consent").
[37] *See id.* § 1798.99.86(b)(8); Proposed Regulations § 7621.

consumer privacy.[38] The Agency appears to be attuned to this concern when it states in the Initial Statement of Reasons accompanying the Proposed Regulations that the Proposed Regulations will "protect consumer privacy by limiting the information provided by authorized agents assisting consumers with delete requests [.]"[39]

However, the Proposed Regulations at this stage appear to be silent on the issue of what information an authorized agent may or may not provide when assisting consumers with delete requests through the DROP. For example, the section of the Proposed Regulations dedicated to authorized agents does not refer to any limitations on the information an authorized agent may provide through the DROP.[40]

The NAI recommends that the Agency revisit this issue and propose language on how it will limit the information provided by authorized agents assisting consumers with delete requests, as contemplated by the Initial Statement of Reasons.

IV. Conclusion

The NAI appreciates the opportunity to submit comments to the Agency on the proposed accessible deletion mechanism regulations. If we can provide any additional information, or otherwise assist your office as it continues to engage in the rulemaking process, please do not hesitate to contact me at tony@networkadvertising.org, or David LeDuc, Vice President, Public Policy, at david@networkadvertising.org.

Respectfully submitted,

Tony Ficarrotta
Vice President, General Counsel
Network Advertising Initiative (NAI)

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[38] *See generally* Tony Ficarrotta, Some Authorized Agent Providers Are Selling Privacy Snake Oil and Why It Needs to Stop, IAPP: News (Feb. 13, 2025), https://iapp.org/news/a/some-authorized-agent-providers-are-selling-privacy-snake-oil-and-why-it-needs-to-stop (last visited June 10, 2025).
[39] *See* ISOR at 2.
[40] *See* Proposed Regulations § 7621(a)-(c).