

Legitimate Interests Assessment for TC String Processing

Description of the Processing

Briefly describe the processing.	The collection, storing, and communication of data subjects' privacy choices in the form of TC Strings is performed for the purpose of ensuring and being able to demonstrate that data subjects have consented to or not objected to the processing of their personal data, for various purposes and/or vendors. Lotame obtains the TC String from a TCF-participating Consent Management Platform (CMP). The TC String is stored for the retention period to (1) translate Lotame's vendor portion of the TC String into a Boolean (Y/N) value to record whether consent was given for all TCF purposes needed by Lotame and (2) communicate the TC String to graphing partners that require the TC String.
What is the personal data being processed?	IAB Europe's Transparency and Consent Framework (TCF) TC String. The TC String captures the following information¹: (1) General metadata: standard markers that indicate details about the publisher's implementation of the TCF (e.g., the ID of the CMP that is used, the language of the UIs, whether the UIs use non-standard texts, such as custom stacks or illustrations) and a day-level timestamp of when users have made/updated their choices. (2) The data subject's consent per purpose and per vendor when the legal basis is consent ("1" meaning subject's consent and "0" meaning subject's refusal or withdrawal of consent). (3) The subject's right-to-object per purpose and per vendor when the legal basis is Legitimate interest ("1" meaning the subject was informed and "0" meaning the subject was not informed or the subject's objection to processing). (4) Publisher restrictions: metadata specific to the publisher's implementation of the TCF (e.g., indicating a general prohibition for certain vendors to pursue a given data processing purpose).

¹ See <https://github.com/InteractiveAdvertisingBureau/GDPR-Transparency-and-Consent-Framework/blob/master/TCFv2/IAB%20Tech%20Lab%20-%20Consent%20string%20and%20vendor%20list%20formats%20v2.md>

	(5) Where applicable, the data subject's choices for purposes that are not covered by the TCF or for vendors that are not participating in the TCF ("1" meaning subject's agreement and "0" no agreement).
What is the retention period for the personal data being processed?	30 days

Purpose Test

Objectives

Question	Response
What is/are the purpose/s for the processing	Ensuring and being able to demonstrate that data subjects have consented to or not objected to the processing of their personal data, for various purposes and/or vendors.
What are the objectives of the processing?	To ensure data subjects' personal data is not collected or processed if consent was not given or consent was withdrawn.
How will you know if it has achieved its purpose?	For data subjects' never seen before, no data is stored on or accessed from the data subjects' device and personal data is not collected and transmitted to Lotame. For existing data subjects', personal data is not collected and transmitted to Lotame and personal data previously collected is identified or rendered useless, which will cause the Lotame platform to delete the data in accordance with applicable retention periods.²

Interests/Benefits

Question	Response
What benefits are expected from the processing?	(1) The processing ensures that data subjects' privacy choices can be respected (<i>i.e.</i> , the giving, refusing or withdrawing of consent by data subjects and the exercise of their right to object) and that

² See Lotame's Services Privacy Notice, available at <https://www.lotame.com/privacy/privacy-notice/services/>.

	they do not have to make those choices again on each subsequent use of the relevant digital property. (2) The processing ensures that Lotame is able to retrieve, observe, and respect data subjects' privacy choices. (3) The processing contributes to demonstrating compliance with the accountability principle pursuant to Article 5(2) of the GDPR. (4) The processing can support Data Protection Authorities in their investigations and audits of Lotame, in particular, to verify that data subjects' privacy choices are appropriately respected.
Will any third parties benefit from the processing?	Yes. The TC String is provided to Lotame's graphing partners so that they can honor data subjects' privacy choices.

Impact

Question	Response
Would there be an impact to Lotame if this processing did not occur, and if so, what would the impact be?	No. Lotame has its own proprietary means for a client to communicate to Lotame whether the client obtained a subject's consent or withdrawal of consent, which is the Lotame Consent API. However, Lotame's Consent API depends on the client properly communicating the data subject's choice whereas the TCF is a framework that all participants must adhere to.
Would there be an impact to data subjects if this processing did not occur, and if so, what would the impact be and how likely is it that the impact will be felt?	No because Lotame has other means for a client to communicate a data subject's privacy choice to Lotame.

Necessity Test

Question	Response
Is each element of the data processed necessary for the purpose and interest? Can you achieve the same purpose by processing less data?	The TC String contains only information that is strictly necessary to achieve the intended purpose of saving, communicating and observing data subjects' privacy choices. ³
Is the operation (or set of operations) performed on the personal data necessary for the purpose and interests?	Yes. In order to ensure that data subjects' privacy choices can be respected, Lotame's code that runs on a data subject's device waits for the client's CMP to broadcast the TC String and then evaluates Lotame's portion of the TC String to verify the required processing purposes are consented to by the data subject.
Can you achieve the same purpose without the processing of the personal data, or in another more obvious or less intrusive way?	Yes. While Lotame has other means for a client to communicate a data subject's privacy choice to Lotame, the TCF provides a more robust and industry-accepted framework for communicating a data subject's privacy choices. Therefore, the processing of the TC String is Lotame's primary choice for communications a data subject's privacy choices.
What is the justification for the specified retention period?	Lotame sends data to its graphing partners on a monthly basis and therefore the TC String must be retained for no less than 30 days.

Balancing Test

Reasonable Expectations

Question	Response
What is the nature of the personal data being processed? Is it special category personal data? Is	The TC String is a string of characters that represents an abstract data subject's privacy

³ This assessment is supported by the APD decision of February 2022, in particular in paragraphs 416, 417 and 418. The decision notably states the following: "The Litigation Chamber notes that the information processed in a TC String is limited to data that are strictly necessary to achieve the intended purpose. In addition, based on the documents in this file and the parties' defences, the Litigation Chamber has not been able to establish that the TC String is retained indefinitely."

it data which people are likely to consider particularly ‘private’?	choice without directly attributing these to any specific data subject. The combined state of these various privacy choices is not unique, as millions of data subjects could visit a digital property on the same day and can express the exact same preferences. The number of choices a data subject can make is always limited, and the other attributes of a TC String constitute stable, low entropy metadata data laid out in a fixed order (e.g., the language in which the information was presented or the day where the data subject preferences were expressed/updated). Finally, the TC String does not encapsulate any special categories of personal data. Indeed, even if the TC String can be used for recording a data subject’s choices for purposes that are not covered by the TCF or for vendors that are not participating in the TCF, the TCF is not intended nor has it been designed to facilitate the lawful processing of special categories of personal data, and should therefore never be used to engage in these more strictly regulated processing activities.⁴
Does Lotame have a relationship with the data subject?	No.
Is the personal data collected directly from the data subject? If so, how is the information required by data protection and privacy laws communicated to the data subject?	No. Lotame has no direct interaction with the data subjects whose personal data is the subject of this processing. Lotame contractually requires its clients to inform data subjects about the purposes for which Lotame processes personal data when required by data protection and privacy laws. Although Lotame has no direct interaction with data subjects, Lotame’s Services Privacy Policy includes the information about Lotame processing activities that is required to be disclosed to data subjects under applicable data protection and privacy laws.
If Lotame obtains the personal data from a third-party, did the third-party inform data subjects about	Lotame contractually requires its clients to inform data subjects about the purposes for which Lotame processes personal data when required by data

⁴ See Preamble (iv) of the TCF Policies, available at <https://iabeurope.eu/iab-europe-transparency-consent-framework-policies/>.

reuse by third-parties for other purposes and does this cover you?	protection and privacy laws. Additionally, Lotame's Services Privacy Policy includes the information about Lotame processing activities that is required to be disclosed to data subjects under applicable data protection and privacy laws.
Is the intended purpose and method widely understood?	Yes.
Has any evidence about the expectations of data subjects been obtained (e.g., from market research, focus groups or other forms of consultation)?	No. Lotame has no direct interaction with the data subjects whose personal data is the subject of this processing.
Are there any other factors that data subjects would or would not expect about the processing?	No.

Decision

Legitimate Interest Approved?	Yes
What is the primary reason for decision?	The TC String is needed in order to ensure and demonstrate that data subjects have consented to or not objected to the processing of their personal data, for various purposes and/or vendors, which could not be accomplished if consent were required to store and communicate the TC String.
Author	Richard Gibbs, Asst General Counsel, Head of Privacy and Product Counsel
Date of Decision	July 8, 2024
Approved by:	Tiffany Morris, General Counsel
Date of Approval	July 9, 2024

Document Control

Current Published Version	1.0.0
Created By	Legal Privacy Team
Document Owner	Legal Privacy Team
Classification	Public

Publication History

Version	Date	Author	Comments
1.0.0	July 8, 2024	Richard Gibbs	Initial version.