

Comparative Analysis of the Legal Regulation of the Digital Platform's Responsibility for the Distribution of Internet Advertising¹

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Abstract

Digital platforms serve as an effective ground for trade in goods and services, which stimulates the development of advertising on the Internet. Platforms provide advertising spaces, connect advertising distributors and advertisers as operators of advertising networks, and collect data to provide personalized advertising and to enhance marketing efficiency.

This article analyzes three aspects of the digital platform's responsibility in the distribution of advertising on the Internet.

In the first aspect, the article compares approaches in Russia to those in foreign countries regarding the responsibility of digital platforms distributing advertisement in their capacity as advertiser or information intermediaries. In Russia (as in China), the platforms are held responsible for placing unfair advertising, because the platforms moderate such advertising. At the same time other countries (the U.S., those of the European Union (EU)) implement the principle of limited liability for information intermediaries when publishing advertising, if the platform does not impact on the content of such advertising and does not know about the distribution of illegal advertising.

In the second aspect, the article surveys the obligations of platforms for ensuring the traceability of advertising, maintaining registries with information about advertising, and ensuring compliance and organizing a risk analysis system to prevent anti-competitive and other illegal behaviour.

The third aspect of the study considers the compliance of digital platforms with the regime of personal data by providing personalized advertising services.

The research methods used in the work include comparative analysis of legal acts and law enforcement practice in Russia and in foreign countries, as well as analysis of recommendations of international organizations, in particular the Organisation for Economic Co-operation and Development (OECD).

Keywords: digital platforms, Internet advertising, responsibility of the distributor advertising, personalized advertising, OECD

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Introduction

Digital platforms create online channels for buying goods and services [Spartak, 2022]. This is driving the growth of online advertising compared to other types, such as television and outdoor advertising: global digital advertising revenue in 2021 was \$189 billion, up 35.4% compared to 2020 [IAB, PwC, 2022]. In Russia, in 2021, the volume of advertising on the Internet reached 313.8 billion roubles, which is 24% higher than in 2020 [ACAR, n.d.].

Online advertising is used on the Internet to deliver promotional marketing messages to consumers [OECD, 2019]. It should be noted that in Russia there is no legislative definition of online advertising. Rather, it is covered by the general concept of advertising defined in paragraph 2 of Article 3 of the Federal Law No 38-FZ of 13 March 2006 on Advertising.²

Online advertising is driven by digital platforms, including social networks, audiovisual services, search engines, and other platforms—aggregators of goods, services, and content. For example, digital video advertising revenue from video streaming services, including audiovisual services, increased in 2021, with revenue growth up 50.8% compared to 2020 [IAB, PwC, 2022]. Advertising also saw growth on social media: revenue was \$57.7 billion, up 39.3% from 2020 [Ibid.].

Digital platforms provide advertisers with advertising space, ad blocking services in case of fraud risks, ad delivery optimization services to achieve the greatest consumer interest in advertised products, and with services for collecting information about user conduct, such as clicking on advertising links [OECD, 2020]. Platforms play an important role in the dissemination of advertising on the Internet, therefore, platforms have responsibilities in terms of advertising fairness control, informing consumers about the commercial character of the message (so that the consumer can distinguish between advertising and non-advertising), labelling, and providing information about advertisers, among other things. In addition, platforms can be advertising publishers (and be responsible for advertising), as well as service providers. Platforms are also responsible for the use of personal data, in particular, by targeting personalized advertisements. It should be taken into account that many countries, including Russia, have made a number of legislative amendments to the regulation of advertising services provided by digital platforms over the past few years. This research identifies particularities of the legal regulation of the obligations of digital platforms providing advertising services in Russia and other countries (the EU, the U.S., and China) using comparative analysis. It covers the issues of competition law application, personal data protection, and child protection online in relation to digital platforms exclusively in the context of regulation of advertising on the Internet.

The article first compares Russian and foreign approaches to regulation of the responsibility of digital platforms publishing advertisements. In particular, the jurisdictions differ in their approach to the question of how platforms should be held liable for dissemination of advertisement that does not comply with the law—should they be viewed as information intermediaries with limited liability or as advertising publishers with full liability. Next, the article examines some aspects of the workload of digital platforms related to online advertising transparency, reporting, and advertising risk management. The article then discusses the specifics of regulation in regard to the use of personal data by platforms for advertising.

² Federal Law No. 38-FZ of 13 March 2006 “On Advertising.” Collection of Legislation of the Russian Federation of 2006, No 12, Art. 1232.

The Regulation of Digital Platforms as Advertising Distributors: Russian and Foreign Approaches

In Russia, digital platforms cannot only be advertisers promoting their own goods and services but must also offer advertising distribution services on their own resources (website, platform) or be operators of advertising systems for advertising publishing on information resources owned by third parties within the meaning of the federal law on advertising.

Since digital platforms often provide only technical means for placing advertisements or moderating advertisements placed by third party advertisers, a question arises regarding in which cases the platform should be recognized as an advertising publisher and be liable for unfair advertising, and in which cases it should be recognized as an information intermediary and benefit from the regime of limited liability for advertisements placed by third parties on the platform. It is worth noting that Russia has not implemented the concept of “limited liability of an information intermediary” within its advertising legislation. The concept is realized only in the context of Article 1253.1 of the Civil Code regarding liability for violation of intellectual property rights.

The 2018 Council of Europe recommendation on the roles and responsibilities of Internet intermediaries recommends that states should not establish liability of intermediaries (including platforms) for content of third parties for which they simply provide access, transmit, or store (including advertisement) [2018]. Intermediaries should assume full liability if they do not take prompt action to restrict access to content that is known to be illegal or unfair. At the same time, the intermediary cannot be directly or indirectly obliged to monitor the content to which it provides access, transmits, or stores.

In Russia, the Federal Antitrust Authority (FAS) most often recognizes platforms as advertising publishers and imposes fines on both the platform and the advertiser for unfair advertising. In this article, “unfair advertising” means the dissemination of unreliable, illegal, and other forms of advertising that do not comply with the requirements of the law. In the European Union (EU) and the U.S., the approach differs from Russia’s, since in these jurisdictions the concept of “limited liability of the information intermediary” is applicable to advertising platforms. This means that the platform offers only the technical means for placement of content (including advertising) but does not interact with the content; most often, such a platform is recognized as an information intermediary and enjoys a limited liability regime. Thus, if an advertiser publishes an advertisement using a platform’s tools, and the platform does not influence the advertising message (ad moderation is not recognized as participation in the ad’s preparation), then the advertiser, not the platform, is responsible for the publication of unfair advertising.

If a platform does influence the advertising message, then it is considered to be an advertising publisher. And if the platform knew about the illegal nature of advertising and continued to distribute it, then the concept of limited liability does not apply, and the platform consequently becomes liable for the misleading statements in advertisement.

In the United States, the principle of limited liability is fixed in the U.S. Code, Section 15. Paragraph (b) of §54 provides an exception: no publisher, agency, or advertising intermediary shall be liable for false advertising if such person, at the request of the Federal Trade Commission (FTC) provides the name and mailing address of the advertiser [U.S. Code, 2023]. The rule also applies to the publisher site of advertising—that is, to any media platform for publishing content. Thus, in the United States, platforms as advertisers are not responsible for misleading statements in ads. However, platforms are subject to the requirement of due diligence. This means that platforms should collect data about advertisers (including name and postal address) to avoid liability and allow the FTC to identify the advertiser who edited the advertising.

However, if the platform took part in editing the advertisement, then, as an advertising agency (advertising producer), the platform is liable for misleading statements in the advertisement. Therefore, in order to reduce the risk of liability, the platform is obliged to independently verify the information contained in the advertisement [FTC, 2001]. The FTC takes into account the degree of an agency's involvement in the preparation of the advertisement, and whether the agency knew or should have known that the advertisement contained false or misleading statements.

Moreover, under Article 230(C) of the Communications Decency Act [1996] all types of platforms (not only advertising) in the United States benefit from the exclusion of liability of the information intermediary for information on the platform, including for advertising. It provides that no interactive computing service provider (that is, a platform) should be considered a “publisher” of any information provided by another information content provider. This rule ensures the immunity of platforms that publish information (including advertising) provided by third-party users (advertisers). For example, in *Goddard v. Google, Inc. C 08-2738 JF 2008*, plaintiffs complained that Google ads redirected them to fraudulent websites by forcing them to enter mobile phone numbers. Plaintiffs alleged that Google failed to take action against the spread of fraudulent sites in ads distributed through AdWords. However, the U.S. Court applied immunity under Article 230(C) and relieved Google from liability by acknowledging that Google had not contributed to the spread of fraudulent sites, as it simply provided third parties with neutral tools for creating advertising.

The EU uses a similar approach. In accordance with the Unfair Commercial Practices Directive 2005/29/EC (Article 2), a “trader” is a person who, in commercial activities related to their trade, business, or profession, is liable for the use of unfair commercial practices, including advertising [Directive 2005/29/EC, 2005]. In this case, the trader is liable as an advertiser who uses advertising to promote their activities. However, this raises the question of in which cases the platform will be liable as a trader. The guidance on Directive 2005/29/EC provides that if an intermediary, such as an online platform, does not play an active role in promoting goods or services, but simply provides information storage services, then the platform qualifies for an exemption from liability. If the platform, on the contrary, actively promotes goods or services of third parties and receives income for such promotion, then most likely this platform will be liable as a trader (this should be decided by the court on a case-by-case basis) [European Commission, 2021].

As in the United States, EU law provides for the principle of limited liability of the information intermediary. According to the European Parliament, online advertising platforms provide “hosting” services (within the meaning of Article 14 of the Electronic Commerce Directive (2000/31/EC) and Article 6 of Regulation (EU) 2022/2065 on a Single Market for Digital Services), that is, they provide storage space for information [Kritikos, 2021]. The advertising service provider is not liable if it is not aware of the illegality of activities or information, and if, having become aware of the illegality, it promptly disables access to information (including advertising). The service provider assumes liability, if it influences the content, for example, edits an advertising message. This is confirmed in a number of cases submitted to the EU Court of Justice against Google in regard to the use of trademarks, in which the Court ruled that Google only provides technical services and therefore is not responsible for the use of trademarks by advertisers.

Qualification as a trader or information intermediary affects, for example, the applicability of competition and advertising laws. Thus, despite the fact that Directive 2005/29/EC applies to advertising on the Internet, the platform will not be held liable for unfair practices if it is not recognized as a trader.

In the United States and the EU, platforms providing advertising services are not liable for unfair advertising if the platform does not influence the content of such advertising and does

not receive advertising revenue, due to the principle of limited liability of online platforms. In Russia, the approach to the responsibility of platforms for the distribution of advertising is stricter. FAS' practice has shown that most often platforms providing advertising services, such as Yandex Direct and Google AdWords, are recognized as advertising publishers, which means they are responsible for unfair advertising published by third-party advertisers through platform tools.

For example, in 2022, FAS investigated Yandex on grounds of a complaint about advertising medical services without a license. The advertiser was an individual who, when placing an advertisement through Yandex Direct, provided Yandex with data on the license of a medical organization that was not related to the advertiser. FAS noted that Yandex had the opportunity, by moderation of advertisement, to request from the advertiser information confirming the fact that the clinic provided medical services on the basis of the granted license, but Yandex did not take that measure. Therefore, Yandex was determined to be an advertising publisher and faced a fine for publishing of advertisements of medical services provided without a license (clause 7, Article 7 of the Federal Law No 38-FZ).

There is a similar case related to the advertising of dietary supplements from the iHerb website through the Google AdWords service. FAS ruled that advertising undergoes control by AdWords moderation systems (technical filters, a self-learning automatic system, and manual checks) and that Google therefore qualifies as an advertising publisher. There are many other examples of FAS investigations, such as case No 022/04/14.3-559/2021 against Google AdWords regarding advertising of abortion services, case No 08/05/7-67/2019 against Yandex Direct regarding advertising of inappropriate conformity assessment services, and case No 08/05/25-116/2019 against Yandex Direct regarding advertising of dietary supplements.

By accepting the fact that the platform moderates advertising, FAS identifies such platforms as advertising publishers and sets additional requirements for them, for example, the requirement to check if an advertiser has a license in the relevant register. The main criterion for recognizing a platform as an advertising publisher is the availability of technical capabilities to prevent the dissemination of unfair advertising through its moderation tools.

In this regard, the European approach, for instance, is significantly different. Thus, in the case of 2022 judged by the Court of Amsterdam (C/13/692049 / HA ZA 20-1082) Google was sued for dissemination of fraudulent advertisements for bitcoin and financial services [Rechtspraak, 2022]. However, the court dismissed the plaintiffs' allegations, having found that Google had not influenced the content of advertisements placed through Google Ads. Therefore, only the advertiser was held responsible. Furthermore, Google takes technical and administrative measures to prevent and minimize the risk of inappropriate advertising through its moderation tools and restrictions, provides information about advertisers, and marks advertisements as "ads."

The contrast between the Russian approach and the European one to the function of moderation procedures in determining the status of a platform is obvious. Whereas foreign courts accept the process of advertising moderation as a measure of compliance and release the platform from liability for taking measures in good faith to counter the spread of unfair advertising, FAS uses the moderation process as a reason for qualifying the platform as an advertising publisher and to impose penalties on the platform for unfair advertising on the same ground as on the advertiser.

It is noteworthy that despite the practice of FAS to recognize such systems as Yandex Direct or Google Ads as advertising publishers, FAS has in some instances exempted the Yandex service from liability as an information intermediary. For example, in decision No 022/05/8-1140/2019 of the Altai Regional Office of FAS regarding the advertising of plane tickets, although the Aviaflot group of companies was listed as sellers, the ticket sales website contained

information about two individual entrepreneurs as sellers. As a result, the advertisement was qualified as misleading in regard of the ticket seller and the advertiser should be held liable (Article 8 of the Federal Law No 38-FZ). However, the regional office of FAS noted that the advertiser independently prepared and edited advertising through the client web interface of the Yandex Direct website. Yandex does not have the technical ability to provide information about the sites which the user visits by following the link provided in the advertisement. As a result, Yandex was released from liability as an information intermediary.

It follows that in Russia platforms are predominantly recognized as advertisers and are held liable for unfair advertising on the Internet. The practice in the United States and the EU shows that platforms providing advertising placement services, such as Google AdWords and Twitter, fall under the regime of limited liability as information intermediaries, which does not apply to advertising platforms in Russia. In foreign jurisdictions, platforms are exempted from obligations to monitor the information that they transmit or store, including advertising (for example, in the EU, Article 8 of the Rules on a single digital market). In Russia, on the contrary, the FAS obliges platforms to additionally check advertisers, for example, to confirm their licenses. Some practicing Russian lawyers emphasize the problem of the lack of a distinction between the liability of the platform that provides advertising services as an advertiser and as an information intermediary [Okhlopkov, 2019].

Russia's approach is in many ways similar to that of China. In China, paragraph 16 of the 2023 Interim Measures for the Administration of Online Advertising establishes the duty of platforms to take preventive measures against unfair advertising, including keeping information about customers who use advertising services for three years and monitoring content of advertisements published by virtue of platform tools, as well as the right of the platforms to correct, remove, or block false advertisements [SAIC Order No 72, 2023]. The platform checks certification documents and advertising content and is obliged to hire special employees to this end. Thus, China and Russia implement a similar approach of increased responsibility of platforms as advertising publishers for the advertisements edited through their systems. At the same time, in Russia the obligation of platforms to control advertising was developed in the practice of FAS, whereas in China the obligation is directly fixed in legislation.

Obligations of Platforms That Provide Advertising Services: The Legal Practice of Russia and Foreign Countries

In Russia and China, as advertising publishers, platforms have the duty of compliance with the requirements of advertising legislation. In the EU and the United States, on the contrary, platforms can take advantage of the principle of the limited liability of information intermediaries and avoid liability for unfair practices (under the Unfair Commercial Practices Directive and §§ 41–58 chapter 15 of the U.S. Code).

Nevertheless, for the past few years, the United States and the EU have imposed additional obligations on platforms that provide advertising services. The load on advertising platforms is determined by requirements, including rules for placing and disseminating advertising, ensuring transparency of advertising, and protecting personal data in personalized advertising. It is necessary to examine some of the obligations of platforms regarding advertising practice.

First, platform users should be able to distinguish the commercial and non-commercial character of the distributed content. Therefore, platforms are required to flag ads and disclose information about the marketing character of the message and the advertiser's personality. For example, in the Regulation (EU) 2022/2065, Article 26 requires platforms that advertise on their online interfaces to identify each advertisement in real time as an advertising message

with prominent markings, to provide details of the person on whose behalf the advertisement is presented, and to state who paid for the advertisement. The platform should also provide information about which persons are targeted as recipients of the advertisement, that is, about the advertising profiling criteria, as well as information about available options to change the ad settings for customization. In China, the 2023 Interim Administrative Measures for Internet Advertisements also set requirements regarding information about the marketing character of advertising and labelling as an “ad” (Article 9) [SAIC Order No 72, 2023].

In Russia, according to the general rule for advertising goods being sold via distance selling, the location and state registration number of the seller are to be indicated. At the same time, since 2022, advertising on the Internet has been subject to labelling requirements—the operator of advertising data assigns a special advertising identifier, without which it is prohibited to distribute advertising (clause 17, Article 18.1 of the Law on Advertising). This identifier (as ID number) provides information about the advertiser, as well as parameters of the audience for which the advertisement was placed. This regulation is similar to the requirement of informing in the EU.

A second obligation of platforms is their responsibility to ensure the traceability of advertising. Since 2021, Russia has introduced a system for accounting all placed advertising in the Unified Register of Internet Advertising. Advertising information is submitted through advertising data operators authorized by the Federal Service for Supervision of Communications, Information Technology and Mass Media (Roskomnadzor) to record advertising (Yandex ORD, Ozon ORD, VK advertising technologies, and others). The Decree of the Government of the Russian Federation of 25 May 2022 No 948 obliges advertising publishers and operators of advertising systems that distribute advertisements of third-party advertisers on the Internet, as well as social networks, audiovisual services, news aggregators, and organizers of the dissemination of information on the Internet, to submit information about advertising to the Register [Government of the Russian Federation, 2022].

In the EU, in accordance with Article 39 of Regulation (EU) 2022/206, if a very large platform or search engine advertises, then it must collect and publish information about advertising in a special section of its online interface (repositories), providing tools to search for information about advertising using multi-criteria queries [Regulation (EU) 2022/206, 2022]. The information in the repository is stored for one year from the moment the advertisement was placed for the last time on the platform’s interface.

Thus, there are significant differences between the European and Russian approaches to publishing advertising data on the Internet. Regarding the entities that ensure the traceability of advertising, in Russia, all advertisers and advertising publishers or operators of advertising systems are required to provide information about the terms of the agreement with the advertiser. The requirement is also applied to certain types of platforms and covers any advertising that is distributed on the Internet. In the EU, only very large online platforms³ or online search engines with average monthly active users exceeding 45 million (Article, 33 paragraph 1) are obligated to participate in the advertising transparency process [Regulation (EU) 2022/2065, 2022]. Advertisers are exempted from the obligation to report advertising.

With respect to ensuring traceability, Russia keeps a state registry to store information, while in the EU, large platforms form their own private registries (repositories). Regarding disclosed information about advertising, the EU requires the publication of information on the content of the advertisement (name of the product and the subject of the advertisement), the persons on whose behalf the advertisement is demonstrated, who pays for the advertisement,

³ “Online platform” means a hosting service provider that stores and distributes publicly available information (Article 3(i)).

the demonstration period, the parameters of the audience and the number of ad recipients, and the text of the advertisement. In Russia, the state register includes similar information; however, it is also necessary to provide information on the type of advertising campaign (based on the cost of the number of demonstrations or clicks of advertising) and information on contracts for the dissemination of advertising on the Internet. The registry is not publicly available in Russia.

It can be concluded that in the EU transparency of advertising is ensured largely through self-regulation, while in Russia it is based on state control, which increases the traceability of advertising but creates additional costs and risks for businesses in terms of responsibility for the information provided about advertising. At the same time, if in the EU all the costs of ensuring the transparency of advertising fall on platforms (in terms of the costs of implementing and operating the repository), in Russia it is the responsibility of the advertiser, who has to pay for services related to submitting information about advertising to the Registry.

In general, the EU welcomes the self-regulation approach, as referred to in Article 46 of Regulation 2022/206: the creation of codes of conduct for online advertising is encouraged to ensure greater transparency in the activities of participants in the online advertising value chain. Such codes should implement transfer practices of advertising information, maintain advertising repositories, and provide meaningful information about data monetization.

The United States and China have no requirements to maintain such registries with information about advertising, but in China, Article 16 of the Interim Measures requires platforms to store information about customers and advertising for three years and to provide such information to government agencies [SAIC Order No 87, 2016].

The third obligation of platforms regarding advertising practice is that they are subject to disclosure requirements to users. For example, in the EU, platforms that distribute content, including advertising, are obliged to provide information about content moderation, including algorithmic decision-making and manual checks (Article 14), as well as to report on content moderation (Article 15).

In addition, the EU introduces reporting for “gatekeepers” or “providers of key platform services” (EU Regulation 2022/1925). The regulation covers platforms⁴ that have a significant impact on the domestic market and have reached an annual turnover of 6.5 billion euros over the past three years if they provide key services in three EU states, have more than 45 million active consumers (who have seen ads at least once a month) per month in the EU, and have more than 10,000 active business users (for whom ads were shown at least once a year by the platform).

The regulation applies to any platforms (social networks, search engines, and video hosting) that provide advertising as a key service, including any advertising networks, ad exchanges, and other intermediary advertising services provided by the provider of any of the platform’s key services. Article 5 of the regulations imposes additional obligations on gatekeepers in terms of transparency of advertising services—notably, the obligation to provide each advertiser (including upon request) and advertisement distributor with information about each placed advertisement, including the price and fees paid by the advertiser, remuneration received by the advertiser, and indicators for calculation of prices and remuneration.

In general, Regulation (EU) 2022/1925 applies to any advertising services, including the services of advertising exchanges. Separate regulation for ad exchanges and brokerage services (intermediaries in ad exchanges) is currently under development in the United States (Digital Advertising Competition and Transparency Bill S.4258). Similarly, as in the EU, it is proposed to regulate the reporting of exchanges to publishers and advertisers in relation to all advertis-

⁴ Platforms that serve as an important information intermediary (gateway) for business users to connect with end users and have (or will in the future) a strong position on the market.

ing transactions, as well as of brokers to clients in relation to the number of advertising spaces, a description of the routing processes of brokers upon receipt of requests from a client for the purchase or sale of advertising spaces, and information on expenses and rewards received.

In Russia, there are currently no requirements for providing information and reporting on content moderation and using algorithms. The regulation of the activities of advertising systems that can provide exchange services has introduced a new subject of regulation since 2021—the operator of advertising systems, which provides services of distributing advertisements on third-party information resources, such as Yandex Advertising Network and VKontakte Advertising Network (within the meaning of paragraph 7.1 of Article 38 of the Federal Law No 38-FZ). There are no special requirements for advertising system operators to report to advertisers and publishers on the process of advertising distribution (with the exception of social advertising distribution indicators). However, advertising system operators should provide information regarding the cost of the actions of the consumer of advertising or display, as well as all information about the volume and distribution of advertising impressions for the Unified Register of Internet Advertising. However, this information on advertising is collected for government record keeping, and operators of advertising systems are not obliged to report to the publishers and advertisers about the fees and prices per ad views for each client on a daily basis.

Finally, platforms are obligated to implement compliance procedures aimed at risk management. For example, the EU Regulation 2022/206 requires platforms to have a mechanism that enables users to report information about unfair advertising by users (Article 16) as well as a mechanism of dispute resolution, to create systems for blocking violators, to work with the design and organization of the online interface so as not to mislead consumers (Article 25), and to protect minors (Article 28). Moreover, very large online platforms or search engines are required to take measures to reduce systemic risks related to the design, algorithms, operation, and use of their services, or misconduct by recipients of the service, for example, by assessing the selection and submission system for advertising to reduce the potential negative impact of promotional activities (Articles 34–5). Large platforms are also responsible for creating a crisis response mechanism against threats, including unfair advertising content (Article 36), and for conducting an audit (Article 37).

These obligations go beyond advertising regulation, as they fall on platforms that distribute any content, not only advertising. However, the listed obligations are important for providing fair advertising services by platforms. For example, when assessing risks in the EU, large platforms should focus on the risks of algorithmic systems that affect ad rankings. In China, Article 15 of the Interim Measures on Internet Advertising directly requires platforms to keep the rules and the records on advertising editions with the use of algorithmic recommendations. In Russia, the requirements of content monitoring and reporting are provided within the information legislation; however, detailed procedures for compliance, audit, implementation of dispute resolution mechanisms, risk assessment, and transparency in the use of algorithmic solutions have not been established.

Thus, regarding the regulation of advertising on the Internet in Russia and other countries, it can be concluded that regardless of whether the platform is an advertising publisher (or trader) or an information intermediary, the platform is subject to additional requirements related to the traceability of advertising as well as advertising services. In particular, in Russia and foreign countries, platforms are responsible for reporting on placed advertisements (whether for the state register of information or for a voluntary repository), labelling, and disclosure of information. Nonetheless, the EU is developing not only reporting on advertising, but also additional compliance measures on prevention of systemic risks and transparency of the activities of advertising exchanges (or advertising system operators). Russia has not yet implemented similar regulation.

Problems of Use of Personal Data by Platforms for Distributing Online Advertisement

The quality of advertising demonstration services rises with the use of personalized advertising services, that is, advertisements demonstrated on the basis of the individual characteristics of the user. The use of personalized advertising increases the percentage of content relevance (in terms of the ratio of responses to advertising content to the number of content views) from 10% to 50% [Skiera et al., 2022]. A survey of users by the online publisher Adlucent shows that 57% of respondents are ready to click on a link with standard advertising, while in the case of personalized advertising this figure reaches 70% [Pauzer, 2016].

Moreover, country regulators in the EU and Russia have introduced a requirement to disclose information about the targeted audience, in particular, advertising profiling criteria with the ability to change advertising individualization settings (in the EU). However, provision of personalized advertising requires prior collection and processing of a large amount of users' personal data. That raises the problem of what data can be used to provide advertising services.

In Russia, as a general rule, platforms assume responsibility for compliance with the legal regime of personal data as a data operator, whose status is regulated by the provisions of Chapter 4 of the Federal Law No 152-FZ9 on Personal Data [2006]. Given that the functions of processing personal data, including processing for display of advertising, constitute a separate legal regime for personal data, special attention should be paid to digital platforms in the role of data controller.

For personalized advertising, a digital platform has to collect two types of data: data about characteristics of a user as a consumer, such as gender, age, professional activity (traditional personal data), and data about individual consumer behaviour, such as data on actions on digital platforms, about choices of goods, and decision-making about purchases (behavioural data).

Both types of data are covered by the regime of personal data, but the category of behavioural data has a peculiarity. Unlike traditional personal data, which the user self-declares in the form of consent to the processing of their data, behavioural data are not provided by the user, but are “generated” by them, while a digital platform fixes them. Therefore, behavioural data are also called “data generated by users” (in foreign practice, the term “user-generated content” is used). Despite a differing technique for collecting such data, foreign judicial practice confirms that behavioural data are personal data due to the criterion of user identifiability, as noted, for example, in the decision of the Supreme Britain in the case of *Vidal-Hall v Google Inc* [Gill, 2016]. The same conclusions were reached by the Moscow Court in its ruling dated 11 October 2016 in the case of the social network LinkedIn [2016]. Therefore, the collection of behavioural data, including collection for the purpose of providing advertising services, requires compliance with the rights of subjects of personal data.

Cookie files are the most popular tracking technology among digital platforms. Cookies are small text files, sent by a web server and stored on a user's computer, that contain information about previous activities on websites. Cookies are used for marketing research, since their analysis enables evaluations of a consumer's behaviour on the site and the determination of the most relevant advertising content for that user [Deloitte, 2020]. Some jurisdictions have specific regulation on the use of cookies [OneTrust, 2020]. For example, in the EU, Directive 2009/136/EU on privacy on the Internet establishes the requirement to obtain the user's consent to collect behavioural data and to provide access to cookie management tools [Koch, 2020]. In other jurisdictions, the competent authorities developed specific guidelines for digital platforms for responsible use of cookies, such as the “Cookies and Personal Data Protection” guide from the Brazilian National Authority [ANDP, 2022]. Such guidelines may be of interest to digital companies regardless of jurisdiction, since development of a corporate policy on the

use of cookies provides digital platforms with consumer audience trust, both in platform services and in other displayed content, including advertising [Usercentrics, 2022].

Behavioural data separately collected with cookies does not allow a digital platform to display personalized advertising. Digital platforms can personalize advertising through systemic data processing, namely, when creating digital user profiles (profiling) [UiO, 2016]. For this reason, practicing lawyers often consider profiling as an integral link between the collection of behavioural data (tracking) and its targeting [Skiera et al., 2022]. Notably, European law directly requires platforms to ensure transparency in the use of user profiles for displaying advertising, in particular, in accordance with Article 26 of Regulation 2022/2065, the information about displayed advertising, which is subject to disclosure, includes the criteria for ad profiling. Thus, users are enabled to manage their personal data for personalization of the displayed advertising.

In Russian legislation, the digital profile is not yet specially regulated. Although the digital profile as a set of personal data falls under the general requirements of the Federal Law No 152-FZ9 on Personal Data [2006], the problem is that the features of such data as a complex remain unregulated. For example, it is unclear what data can be included in the digital profile and how the platform can notify the user about the use of data for profiling, including for the purpose of displaying advertising. As a result, in Russia digital platforms that display personalized advertising based on digital user profiles face blurred limits of their responsibility as data operators. The digital platform has to solve the indicated issues on its own [UiO, 2016].

By comparison, in India the Digital Personal Data Protection Bill 2022 explicitly regulates the nature and purpose of data processing for profiling: it is “any form of processing of personal data that analyses or predicts aspects concerning the behaviour, attributes or interests of a Data Principal” (paragraph 2 of Article 2) [DPDP Bill, 2022]. Thus, by formulating a clear definition of profiling, the legislator solves two tasks at once. First, the digital platform clearly understands the scope of its obligations when processing personal data for displaying personalized advertising. The second is that the user of a digital platform is aware of an amount of collected and systematized data and their value, and, accordingly, is able to exercise the right to dispose of that data as a subject of personal data, for example, to withdraw consent to the processing of collected behavioural data, as a result of which personalized advertising can be no longer displayed.

It is characteristic that the developers of the Regulation (EU) 2022/2065 excluded in advance the possibility of profiling child users or using sensitive data for online platforms in digital profiles [Regulation (EU) 2022/2065, 2022, Article 26, clause 3].

Article 28 of EU Regulation 2022/206 requires platforms to eliminate risks related to protection of minors by distribution of advertising and thereby forces platforms to take measures to analyze the age of the audience. The UK regulator, in its Age Restricted Online Advertising Guidelines, recommends establishing restrictions for targeting ads for certain types of products, in particular food or non-alcoholic beverages with a high content of fat, salt, or sugar and lotteries for children under 16, as well as gambling, alcohol, and e-cigarettes for children under 18 [CAP, 2021]. If the resource's audience under 18 years old is estimated to be more than 25%, then it is forbidden to advertise goods restricted to children. Given that many children may misrepresent their age, for targeted advertising purposes, the guidelines suggest using behavioural data to prevent the distribution of advertising that is prohibited for children's Internet resources.

In China, the Personal Information Protection Law of 2021 requires digital platforms to conduct an impact assessment of their activities for security of personal data (Article 55, paragraph 1), with respect to sensitive data, which includes personal data of users under the age of 14 [PIPL, 2022, p. 28].

At the same time, digital platforms should not form digital profiles without the direct informed consent of the user, that is, they should not engage in shadow profiling [Aguair et al.,

2022]. In case of shadow profiles, the user does not control the collection of data or their volume and cannot withdraw consent to data processing. This provision contradicts the principle of control by the subject of the collection and processing of personal data [Hatmaker, 2018]. In addition to violating the law on personal data, shadow profiling practices also violate the principle of good faith in relation to consumers of digital content, because the use of a shadow profile for targeted advertising is actually an illegal tool for manipulating consumer behaviour [Cooper et al., 2022].

The problem of shadow profiling is most acute for digital platforms such as gatekeepers within the meaning of European law. Since profiling looms large as the volume and variety of data increase, the problem of shadow profiles is most typical for gatekeeper platforms with a significant number of operations with users' personal data. Therefore, Regulation (EU) 2022/1925 directly establishes a number of restrictions for gatekeepers processing personal data, including a ban on the processing of personal data of users of third-party sites using the services of the gatekeeper platform for the purpose of displaying advertising.

Taking into account the identified problems in the processing of personal data by digital platforms for displaying advertising, it is possible to articulate several key tasks facing digital platforms. First, digital platforms must collect and process data for personalized advertising in accordance with the general requirements of personal data legislation, including data collection by tracking [Fourberg et al., 2021].

Second, digital platforms must provide effective mechanisms for informing and obtaining user consent. In practice, this means that digital platforms must not only notify the user about use of tracking technologies such as cookies but also provide the user with the opportunity to agree to or refuse tracking, as well as to set limits for collecting data. For example, in the United States, the California Consumer Privacy Act explicitly establishes the user's right to restrict the possibility of selling personal data, transferring it to third parties, or combining data for processing, which allows the user to control the possibility that digital platforms can demonstrate personalized advertising [Larrison, 2023].

Third, digital platforms need to be transparent about their behavioural data policies for advertising purposes. It is noteworthy, that in January 2022, the French data protection authority fined Google, YouTube, and Facebook⁵ for manipulating the cookie consent form: with their consent forms it was easier for users to agree to the use of files than to refuse them [Meyer, 2022]. It is important to take into account that the transparency of conditions for user management of their behavioural data results in the possibility of setting up personalized advertising, and therefore improving its quality.

Fourth, digital platforms should be especially careful with targeted advertising to their most vulnerable users, children. This impact assessment of the digital platform activity certainly covers the displaying of personalized advertising. Demonstrating personalized advertisement on digital platforms with large numbers of child-users should involve advertising content that is attractive to the user but should also protect against ads that are inappropriate for the user's age.

Conclusion

In Russia, digital platforms are mainly recognized as advertising publishers, and therefore they are responsible for the distribution of unfair advertising on the Internet on an equal basis with advertisers due to their moderating functions. However, the experience of the United States and the EU provides an opportunity for platforms to avoid liability for such advertising by tak-

⁵ The activities of the social network are recognized as extremist and prohibited on the territory of the Russian Federation; the data is used for research purposes only and is not aimed at endorsing extremist activities.

ing advantage of the principle of the limited liability of an information intermediary. In Russia, this principle does not apply to platforms that provide advertising services. At the same time, abroad, the process of moderation by the advertising platform is accepted as a compliance measure to prevent the dissemination of unfair advertising. In Russia, on the contrary, FAS perceives the use of advertising moderation tools as a circumstance that makes the platform responsible for advertising and the verification of advertisers. This indicates a higher level of platform liability in Russia compared to other countries.

The absence of the principle of limited liability for an information intermediary in Russia creates the risk of high fines for platforms, even if the platform takes measures to prevent the distribution of advertising inconsistent with the law (sets filters, blocks inappropriate advertising, checks sellers' documents). Russian legislation needs to introduce the concept of limited liability for platforms as information intermediaries to exempt them from liability for placing unfair advertising, but only on condition that the platform does not participate in the creation of the advertising message, takes sufficient measures to limit the distribution of unfair advertising (for example, through filtering systems and automated and manual checks), and removes unfair advertising on demand.

Regardless of whether the platform is an advertising distributor, Russia and foreign jurisdictions implement additional measures to ensure the traceability of advertising, such as maintaining registers with information on advertising to control the distribution of unfair advertising, labelling advertising, and storing advertising information. However, in other countries advertising service platforms are subject to additional requirements, such as reporting to advertisers and publishers, taking compliance measures, and managing risks in the distribution of advertising, such as those related to use of algorithms. Russia does not implement similar requirements at the moment.

Digital platforms are also responsible for undue processing of personal data of users collected to display personalized ads. Liability is not limited to the information security of data processing. Digital platforms must also provide adequate conditions for users to exercise their rights as subjects of personal data. The lack of regulatory guidelines in national law regarding technologies for collecting behavioural data for advertising does not allow digital platforms to ignore the tasks of personal data operators. On the contrary, the absence of instructions increases the responsibility of digital platforms for compliance with the personal data regime, since platforms must develop optimal solutions on their own for fulfilling their obligations as personal data operators, taking into account the specifics of the collection and processing of behavioural data. For example, digital platforms independently develop the design of the consent form for the use of cookies and form a system of options for setting cookie files by the user. In this regard, expert guidance on data processing for digital platforms that place personalized advertising may be in high demand in Russia. The development of a such guide could involve not only representatives of public authorities such as the Roskomnadzor and the Ministry of Digital Development, but also experts from business associations, lawyers in information law, and independent experts. The relevance of such tools to support Russian digital platforms is growing in view of increasing hacker attacks on the infrastructure of Russian companies and other forms of sanctions.

References

- Association of Communication Agencies in Russia (ACAR) [Associacija komunikacionnyh agentstv v Rossii (AKAR) (2022) Ob'em rynka reklamy v sredstvah ee rasprostraneniya v 2021 godu] (2022) [Volume of the Advertising Market in the Means of Its Distribution in 2021]. Available at: https://www.akarussia.ru/knowledge/market_size/id10015 (accessed 25 February 2023).
- Aguiar L., Peukert C., Schaefer M., Ullrich H. (2022) Facebook Shadow Profiles. CESifo Working Paper No 9571, Center for Economic Studies and Ifo Institute. Available at: https://www.econstor.eu/bitstream/10419/252088/1/cesifo1_wp9571.pdf (accessed 1 March 2023).
- ANDP (2022) Guia Orientativo: Cookies e proteção de dados pessoais [Guideline: Cookies and Protection of Personal Data]. Available at: <https://www.gov.br/anpd/pt-br/documentos-e-publicacoes/guia-orientativo-cookies-e-protacao-de-dados-pessoais.pdf> (accessed 1 March 2023) (in Portuguese).
- Committee of Advertising Practice (CAP) (2021) Age-Restricted Ads Online: Advertising Guidance (Non-Broadcast). Available at: <https://www.asa.org.uk/uploads/assets/72a4e889-1657-43e9-bf6ac0157fa2f72c/Age-restricted-ads-online-2021-guidance.pdf> (accessed 10 May 2023).
- Communications Decency Act (1996) U.S. Department of Justice. Available at: <https://www.law.cornell.edu/uscode/text/47/230> (accessed 27 February 2023).
- Cooper D., Oberschelp de Meneses A., Valat D. (2022) EU Rules on Online Targeted Advertising. Inside Privacy, 31 August. Available at: <https://www.insideprivacy.com/advertising-marketing/eu-rules-on-online-targeted-advertising/> (accessed 1 March 2023).
- Council of Europe (2018) Recommendation CM/Rec(2018)2 of the Committee of Ministers to Member States on the Roles and Responsibilities of Internet Intermediaries. Committee of Ministers, 7 March. Available at: <https://rm.coe.int/0900001680790e14> (accessed 10 May 2023).
- Deloitte (2020) How the Cookie Crumbled: Marketing in a Cookie-Less World. Available at: <https://www2.deloitte.com/content/dam/Deloitte/uk/Documents/consultancy/deloitte-uk-cookie-less-marketing.pdf> (accessed 1 March 2023).
- Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 Concerning Unfair Business-to-Consumer Commercial Practices in the Internal Market and Amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council (Unfair Commercial Practices Directive) (2005) EUR-Lex. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1585324585932&uri=CELEX%3A02005L0029-20220528> (accessed 6 March 2023).
- European Commission (2021) Guidance on the Interpretation and Application of Directive 2005/29/EC of the European Parliament and of the Council Concerning Unfair Business-to-Consumer Commercial Practices in the Internal Market. *Official Journal of the European Union*, C 526/1. Available at: [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52021XC1229\(05\)](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52021XC1229(05)) (accessed 27 February 2023).
- Federal Trade Commission (FTC) (2001) Advertising FAQ's: A Guide for Small Business. Available at: <https://www.ftc.gov/tips-advice/business-center/guidance/advertising-faqs-guide-small-business> (accessed 1 March 2023).
- Fourberg N., Taş S., Wiewiorra L., Godlovitch I., de Streele A., Jacquemin H., Hill J., Nunu M., Bourguignon C., Jacques F., Ledger M., Lognoul M. (2021) Online Advertising: The Impact of Targeted Advertising on Advertisers, Market Access and Consumer Choice. PE 662.913. IMCO Committee, European Parliament (accessed 1 March 2023).
- Gill K. (2016) Vidal-Hall v Google Goes to the Supreme Court. *Carter-Ruck Blog*, 1 July. Available at: <https://www.carter-ruck.com/blog/vidal-hall-v-google-goes-to-the-supreme-court/> (accessed 1 March 2023).
- Government of the Russian Federation (2022) Postanovlenie Pravitel'stva RF ot 25.05.2022 No 948 "Ob utverzhdenii kriteriev otneseniya reklamodatelej, reklamorasprostranitelej, operatorov reklamnyh sistem, razmestivshih v informatsionno-telekommunikatsionnoj seti "Internet" reklamu, napravlennuyu na privlechenie vnimaniya potrebitelnej reklamy, nahodyashchihsy na territorii Rossijskoj Federatsii, k litsam, obyazannym predostavlyat' informatsiyu ili obespechivat' predostavlenie informatsii o takoj reklame v Federal'nyu sluzhbu

po nadzoru v sfere svyazi, informatsionnyh tekhnologij i massovyh kommunikatsij” [Decree of the Government of the Russian Federation of 25 May No 948 “On Approval of the Criteria for Classifying Advertisers, Advertising Distributors, Advertising System Operators Who Have Placed Advertising on the Internet Information and Telecommunications Network Aimed at Attracting the Attention of Advertising Consumers Located on the Territory of the Russian Federation to Persons Obligated to Provide Information or Ensure the Provision of Information About Such Advertising to the Federal Service for Supervision of Communications, Information Technology and Mass Communications”]. Available at: <http://government.ru/docs/all/141152/> (accessed 5 October 2023) (in Russian).

Hatmaker T. (2018) Zuckerberg Denies Knowledge of Facebook Shadow Profiles. *Techcrunch*, 11 April (accessed 1 March 2023).

IAB, PwC (2022) Internet Advertising Revenue Report, Full-Year 2021 Results. Available at: https://www.iab.com/wp-content/uploads/2022/04/IAB_Internet_Advertising_Revenue_Report_Full_Year_2021.pdf (accessed 10 March 2023).

Koch R. (2020) Cookies, the GDPR, and the ePrivacy Directive. GDPR.eu. Available at: <https://gdpr.eu/cookies/> (accessed 6 March 2023).

Kritikos M. (ed.) (2021) Liability of Online Platforms. PE 656.318, European Parliamentary Research Service. Available at: [https://www.europarl.europa.eu/RegData/etudes/STUD/2021/656318/EPRS_STU\(2021\)656318_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2021/656318/EPRS_STU(2021)656318_EN.pdf) (accessed 6 March 2023).

Larrison B. (2023) Digital Advertising Regulation in 2023: What Marketers Need to Know. *Basis Technologies Blog*, 11 July. Available at: <https://basis.net/blog/digital-advertising-regulation-what-marketers-need-to-know> (accessed 1 March 2023).

Meyer D. (2022) France Cracks Down on Dark Patterns, Fining Google and Facebook Nearly \$240 Million for Manipulative Cookie Tricks. *Fortune*, 6 January. Available at: <https://fortune.com/2022/01/06/france-cookie-law-facebook-google/> (accessed 1 March 2023).

Moscow City Court (2016) Reshenie ot 10 noyabrya do delu 33-38783/2016 [Decision dated 10 November in case No 33-38783/2016]. Available at: <https://mos-gorsud.ru/mgs/services/cases/appeal-civil/details/19d661b0-6b14-48eb-b753-9adbf19fe32a> (accessed 5 October 2023) (in Russian).

Okhlopkov A. (2019) Kontekstnuyu reklamu “YAndeks.Direkta” na E1.ru rassmotrit Kassatsionnyj Sud [Contextual Advertising of “Yandex.Direct” on E1.ru Was Considered by the Cassation Court]. *Kommersant*, 12 November. Available at: <https://www.kommersant.ru/doc/4189470> (accessed 10 May 2023) (in Russian).

OneTrust (2020) The Ultimate Cookie Handbook for Privacy Professionals (accessed 1 March 2023).

Organisation for Economic Co-operation and Development (OECD) (2019) Online Advertising: Trends, Benefits and Risks for Consumers. OECD Digital Economy Papers No 272. Available at: <https://doi.org/10.1787/1f42c85d-en> (accessed 25 February 2023).

Organisation for Economic Co-operation and Development (OECD) (2020) Competition in Digital Advertising Markets. Available at: <http://www.oecd.org/daf/competition/competition-in-digital-advertising-markets-2020.pdf> (accessed 27 February 2023).

Pauser H. (2016) 71% of Consumers Prefer Personalized Ads. *Adlucent* (accessed 1 March 2023).

Personal Information Protection Law (PIPL) of the People’s Republic of China (2021) The National People’s Congress of the People’s Republic of China. Available at: http://en.npc.gov.cn.cdurl.cn/2021-12/29/c_694559_2.htm (accessed 1 March 2023).

Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market for Digital Services and Amending Directive 2000/31/EC (Digital Services Act) (2022) *Official Journal of the European Union*, L 277/1. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32022R2065> (accessed 6 March 2023).

Rechtspraak (2022) Stichting Vladimir v. Google/ Rechtbank Amsterdam / C/13/692049 / HA ZA 20-1082. 18.05.2022. Available at: <https://uitspraken.rechtspraak.nl/#!/details?id=ECLI:NL:RBAMS:2022:2638> (accessed 10 May 2023).

Hùliánwǎng guǎnggào guǎnlǐ bànfǎ [SAIC Order No 72 Interim Administrative Measures for Internet Advertisements (2023) State Administration for Industry and Commerce of the People’s Republic of China]. Avail-

able at: https://www.gov.cn/gongbao/2023/issue_10506/202306/content_6885261.html (accessed 6 March 2023) (in Chinese).

Skiera B., Miller K., Jin Yu., Kraft L., Laub R., Schmitt J. (2022) The Impact of the General Data Protection Regulation (GDPR) on the Online Advertising Market. *GDPR-Impact* 30 May. Available at: <https://www.gdpr-impact.com/user-tracking-profiling-and-targeting-in-online-advertising.html> (accessed 1 March 2023).

Spartak A. N. (2022) Perekhod k novomu mirovomu ekonomicheskomu poryadku: etapy, klyuchevye cherty, vyzovy i resheniya dlya Rossii [Transition to a New World Economic Order: Stages, Key Features, Challenges and Solutions for Russia]. *Russian Foreign Economic Bulletin*, no 7, pp. 7–29. Available at: <http://doi.org/10.24412/2072-8042-2022-7-7-29> (in Russian).

The Digital Personal Data Protection (DPDP) Bill (2022) Ministry of Electronics & Information Technology, Government of India. Available at: <https://www.meity.gov.in/writereaddata/files/The%20Digital%20Personal%20Data%20Protection%20Bill%2C%202022.pdf> (accessed 1 March 2023).

U.S. Code (2023) Cornell Law School. Available at: <https://www.law.cornell.edu/uscode/text/15/80a-54> (accessed 28 February 2023).

UiO (2016) Profiling and Online Behavioural Advertisement Under the GDPR. Available at: <https://www.duo.uio.no/bitstream/handle/10852/54586/ICTLLM-Master-Thesis.pdf?sequence=1&isAllowed=n> (accessed 1 March 2023).

Usercentrics (2022) Usercentrics and Cookiebot Join Forces. Available at: <https://www.cookiebot.com/en/usercentrics-cookiebot-cmp/> (accessed 1 March 2023).