

# Privacy Compliance and the Importance of Due Diligence

ANA Masters of Advertising Law | November 11, 2025



**Best Privacy Technology**  
AdExchanger Awards 2023

# Speakers



**Richy Glassberg**  
Co-Founder & CEO  
SafeGuard Privacy



**Caroline Hudson**  
Partner  
Loeb & Loeb



**Gary Kibel**  
Partner, Privacy,  
Technology + Data Security  
Davis+Gilbert

# Shifting Liability From Vendors to First Parties

“Whether a business conducts due diligence of its service providers and contractors factors into whether the business has reason to believe that a service provider or contractor is using personal information in violation of the CCPA and these regulations.” Cal. Civ. Code § 7051(c).



# Affirmative Diligence Obligation in Contracts

Businesses are *required* to include in their contracts with service providers and third parties that they have the right to:

“... take reasonable and appropriate steps to ensure that the third party [and service provider] uses it [personal information] in a manner consistent with the business’s obligations under the CCPA and [the] regulations”. Cal. Civ. Code § 1798.100(d).



# Assessments Required in Service Provider and Third Party Contracts

Allow, and cooperate with, reasonable assessments by the controller or the controller's designated assessor  
VCDPA § 59.1-579(b)(4)

The processor shall allow for, and contribute to, reasonable audits and inspections by the controller or the controller's designated auditor.  
CPA § 6-1-1305(b)

. . . take reasonable and appropriate steps to ensure that the third party [and service provider] uses it [personal information] in a manner consistent with the business's obligations under the CCPA and [the] regulations. CPRA § 1798.100(d)

Allow, and cooperate with, reasonable assessments by the controller or the controller's designated assessor

TXDPA 541.104 § (b)(6)(D)

# Oversight is increasing

## Data Protection Impact Assessments (DPIAs)

Triggers include:

- Targeted advertising
- Sale of personal data
- Profiling
- Processing sensitive data

**\*Controllers must make PIAs available to some AGs (e.g., CT, CA, VA) upon request**

## CCPA Audits

- May be announced or unannounced
- Investigate possible CCPA violations
- If the subject's "collection or processing of personal information presents significant risk to consumer privacy or security"
- If history of non-compliance

# Enforcement Accountability

[DoorDash] must document its compliance program including “a detailed description of the technical and operational controls implemented related to assessing CCPA compliance for service providers and contractors who provide marketing and related services or who provide analytics or measurements services, including, without limitation, a description of any diligence undertaken or completed by Defendant”

Final Judgment and Permanent Injunction, *People v. Doordash*, \*6

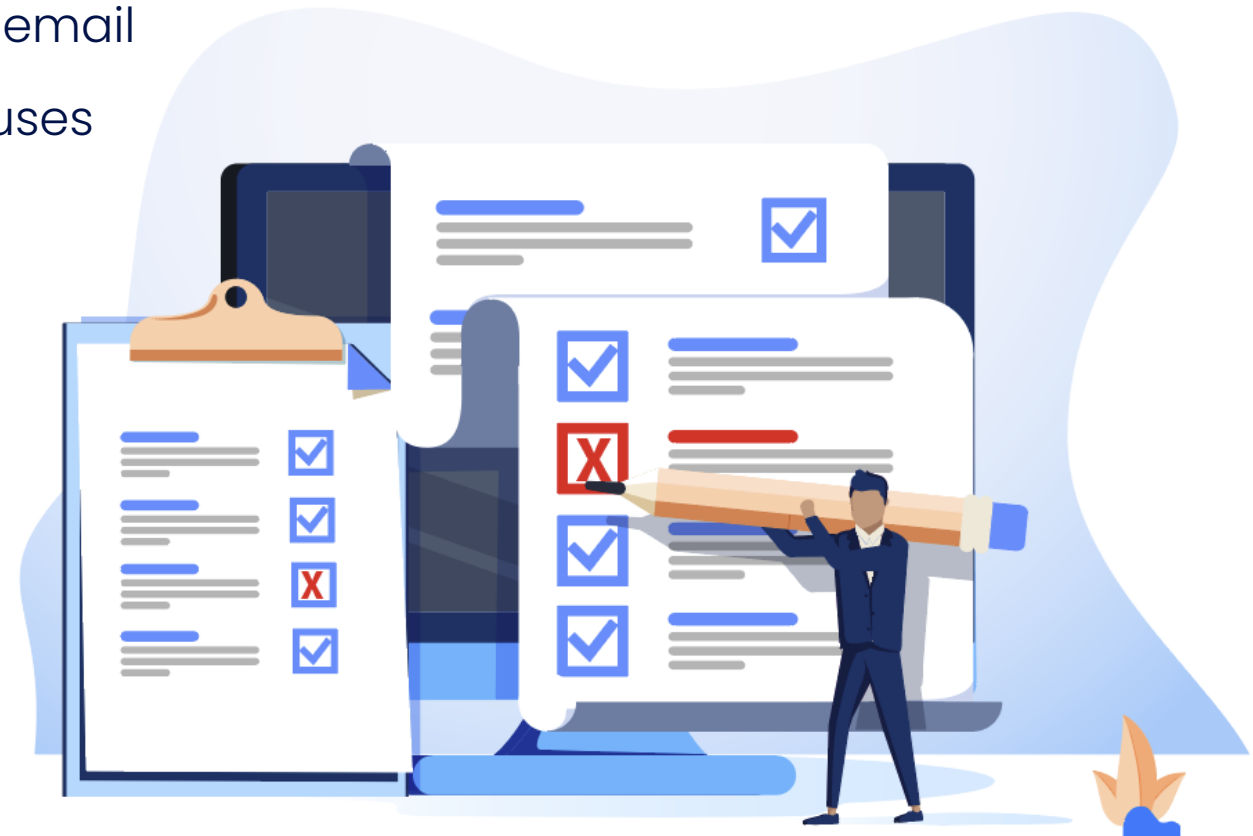
A material gap exists between standard industry diligence practices and where the laws are moving to.

- The laws are not written by ad industry veterans
- The industry is relying on questionnaires
- The work so far has been mostly manual and resource intensive



# The dreaded questionnaires!

- Companies send out and receive dozens of questionnaires monthly – Volume and costs are high
- Heavily labor intensive with spreadsheets & email
- Usually generic and fails to address actual uses of personal information
- Questions overlap or are not relevant
- Don't cover entirety of each state law
- Can't keep up with changing regulations
- No audit trail of compliance



# The industry needs to catch up

The IAB's Privacy Implementation & Accountability Task Force (PIAT) determined that the industry needs to do better at these three things:



Mitigate legal risk of individual companies for the potential wrongdoing of partners



Protect first party consumer relationships and their personal data



Demonstrate to regulators that the industry can get compliance right

# How do we solve this problem?

Technology and standardization.



# Where do we start? Standardized assessments.

State privacy law specific privacy assessments covering general privacy compliance written to the entirety of the law is the best way to reduce risk.

- Comprehensive to the law
- Agnostic to privacy tools
- Auditable
- Use the same assessments for all of your vendors:
  - Standardized vendor assessment allows for benchmarking and consistency across vendors

# Apply the law to actual business use cases and data flows

The law doesn't cover all of the advertising industry. You need to know what your partners are doing with data.

- What are the categories or types of personal information collected?
- What are the practices concerning retention of personal information?
- Are their privacy notices adequate?
- How do you factor industry verticals?
  - Publisher/SSP questions: e.g., processing and propagating GPP strings
  - SSP – DSP questions: e.g., use of PI when the DSP's customer does not win the bid
  - Advertiser/Agency-DSP questions: e.g., processes deployed to prevent the use of advertiser CRM data in DSP ID graph when utilized as a service provider

# You need technology that can keep up with privacy regulations

## Standardization:

- Fill out assessments and questionnaires once and utilize many times with your vendors
- Update compliance as new laws come into effect or existing regulations evolve

## Efficiency and Resource Saving

- Make it easy for your team to work together, and work with your vendors
- Collaboration tools to reduce unsustainable email chasing and spreadsheet usage
- Create a single source of truth for your compliance and your vendor compliance

# You need technology that can keep up with privacy regulations

## Automate where you can

- Automated assessment sharing allows for significant time and labor savings on both sides.
- Reduce email chasing and spreadsheets that clog resources. Updates, alerts and more can help speed up compliance process.
- Automate vendor contracts for third parties, service providers, and contractors.

## Use an auditable process

- Create a fully accountable record of compliance automatically.
- Secure tools can deliver control and privacy of company data when sharing with partners.
- Assessments should be reviewable and auditable by both counterparties.

# IAB Diligence Platform: Solution & Components

- State privacy law specific privacy assessments covering general privacy compliance
  - Utilize the SafeGuard Privacy US Laws Standardized Assessments
  - Independent, auditable assessments that are agnostic to all privacy tool providers
- IAB “Industry Vertical Modules” that combine baseline and industry specific questionnaires
  - Baseline questions examples:
    - Categories or types of personal information collected
    - Practices concerning retention of personal information
    - Adequacy of privacy notices
  - Industry Vertical Modules
    - Publisher/SSP questions: e.g., processing and propagating GPP strings
    - SSP – DSP questions: e.g., use of PI when the DSP’s customer does not win the bid
    - DSP – Advertiser/Agency questions: e.g., processes deployed to prevent the use of advertiser CRM data into DSP ID graph when utilized as a service provider
- IAB Diligence Platform inclusive of SGP State Laws & IAB PIAT Modules
  - Standardized vendor assessment allowing for benchmarking and consistency across vendors
  - Fully automated assessment and questionnaire sharing
  - Reviewable and auditable by each counterparty



# IAB Diligence Platform: Solution Benefits

- Standardization
  - Fill out assessments and questionnaires once and utilize many times
  - Update compliance as new laws come online or existing laws and regulations evolve
- Efficiency and Resource Saving
  - IAB members on the SafeGuard Privacy platform are seeing 80%+ efficiency gains
  - Single source of truth for members to handle their diligence efficiently
  - Savings of critical resource FTE hours
- Automated
  - Automated sharing allows for significant time and labor savings
  - Ease of use in standardized vendor compliance platform with SaaS tools for diligence built in
- Auditable
  - Fully accountable and record of compliance
  - Secure instances deliver control and privacy of company data
- Independent Platform
  - Combination of SafeGuard Privacy assessments and IAB PIAT questionnaires delivers accountability for regulatory compliance
  - SGP platform also adopted by BBB National Programs, NAI, MRC
- Quicker to deal closing by eliminating overlapping, inappropriate, out of date and repetitive questions

**Thank you for attending!**



[hello@safeguardprivacy.com](mailto:hello@safeguardprivacy.com)