DOJ Notes on the June 4 Consultation with Interactive Advertising Bureau ("IAB") Regarding Bulk Thresholds

Notes | 6/4/2024 3:30 PM – 4:00 PM EST

On June 4, 2024, representatives from the Department of Justice ("DOJ") and the Commerce Department ("Commerce") consulted with representatives from IAM regarding IAB's comments on DOJ's March 5, 2024 Advanced Notice of Proposed Rulemaking ("ANPRM") entitled "Provisions Regarding Access to Americans' Bulk Sensitive Personal Data and Government-Related Data by Countries of Concern."

The consultation specifically focused on IAB's comments on the proposed bulk thresholds set forth in the ANPRM. During the consultation, representatives from DOJ and Commerce asked IAB questions about the bulk thresholds proposed in the ANPRM and listened to IAB's responses.

The notes that follow are DOJ's brief summary of the input shared by IAB.*

- **Participants:** Representatives from the National Security Division of the Department of Justice, the International Trade Administration of Department of Commerce, and IAB.
- **IAB's members' concerns:**
    - IAB's members commonly use API, IP addresses, emails, advertising identifiers, web browsing data. IAB believes these should not be treated as sensitive personal data. IAB noted that some state laws do not consider web browsing data to be sensitive personal data.
    - IAB largely summarized and reiterated their concerns outlined in their comment to the ANPRM.
- **Other suggestions and feedback:**
    - IAB recommends setting bulk thresholds on the lowest possible end or even lower to reduce compliance burdens and avoid disruption to commercial transactions.
    - IAB expressed that the definition of "personal financial data" should not include data being sold/transferred/bought by advertising companies for targeted advertising purposes (*i.e.*, a customer's purchase history).

*These notes are a summary of the consultation; they are not a transcript. The Department of Justice has not shared these notes with meeting participants to confirm their accuracy.