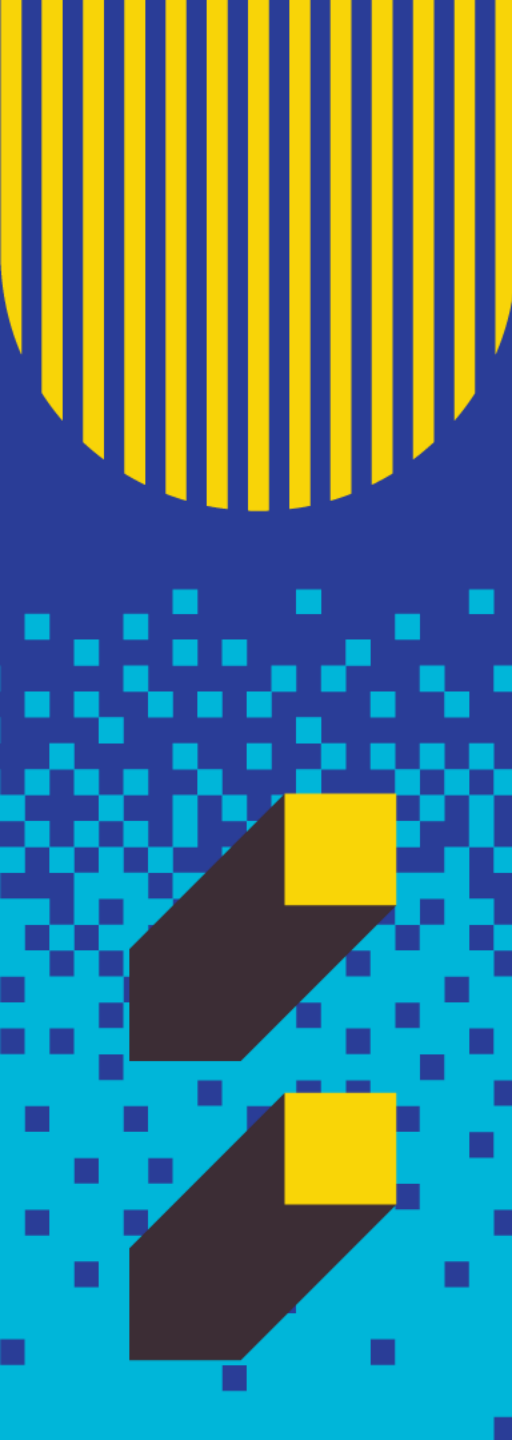




IAPP PRIVACY. SECURITY. RISK. + AI GOVERNANCE GLOBAL 2026

Training 6-7 October

Workshops 7 October

Conference 8-9 October

AI GP exam 9 October

SEATTLE

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Custom Privacy Strategies Where Litigation and Regulation Collide

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WELCOME AND INTRODUCTIONS



Julie Rubash

General Counsel and Chief
Privacy Office at Didomi



Kyle Fath

Partner,
Squire Patton Boggs



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#2091 187



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How is tracking litigation affecting your organization?





Which approaches are you using or considering? Select all that apply.



CIPA Groundwork & Recent Developments

1. What is CIPA?
2. How the litigation wave is shaping privacy advice
3. SB 690 — the end of CIPA suits, or not?





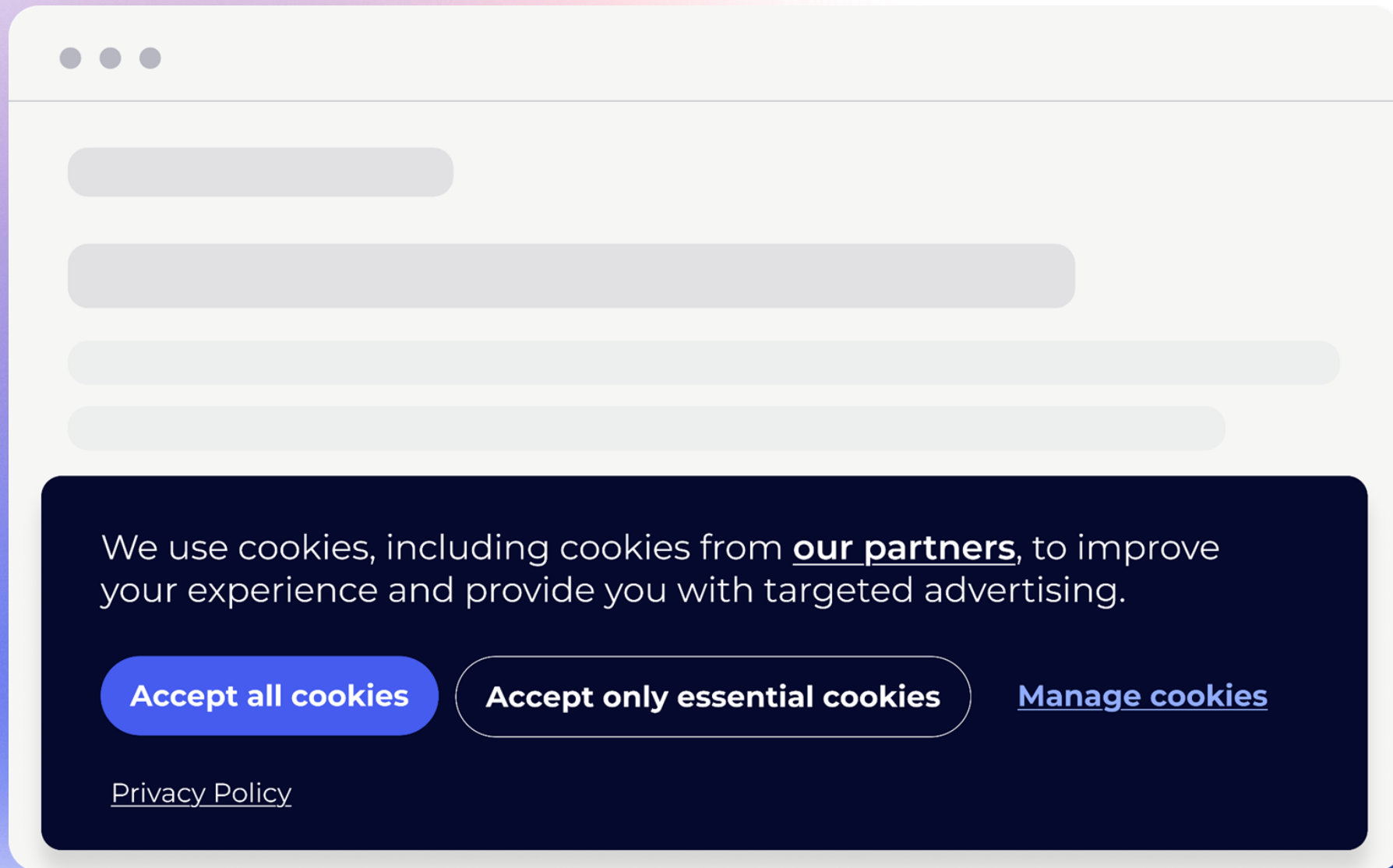
What's the risk?

You vote!

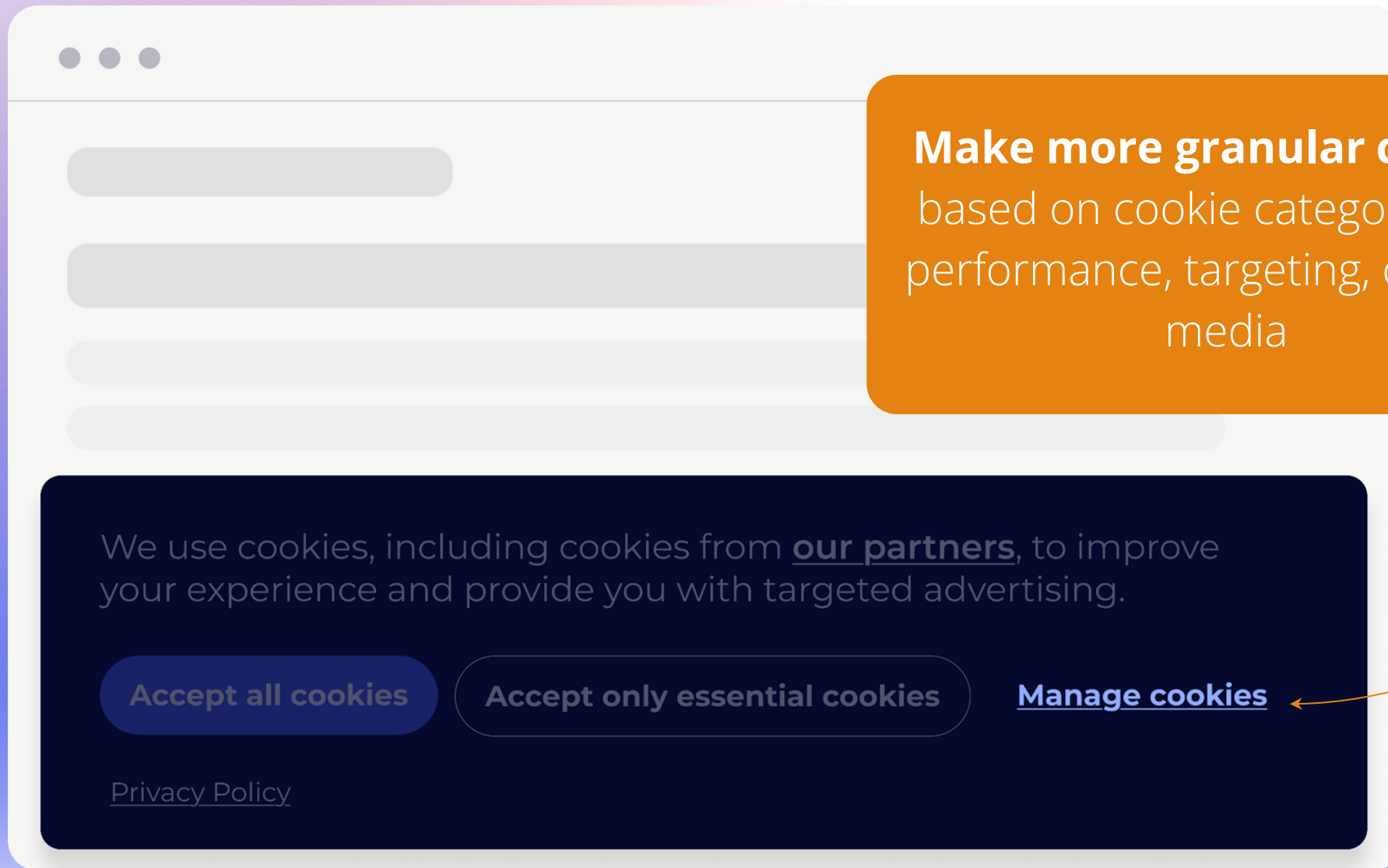
- ☐ CIPA litigation risk
- ☐ State privacy regulatory risk
- ☐ Both
- ☐ Neither
- ☐ I need more information

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Scenario 1



Scenario 1



Make more granular choices
based on cookie categories like
performance, targeting, or social
media

Scenario 1

All non-essential cookies are blocked on the website

We use cookies, including cookies from our partners, to improve your experience and provide you with targeted advertising.

Accept all cookies

Accept only essential cookies

Manage cookies

[Privacy Policy](#)

Scenario 1

Nothing is blocked.

We use cookies, including cookies from our partners, to improve your experience and provide you with targeted advertising.

Accept all cookies

Accept only essential cookies

Manage cookies

Privacy Policy

Scenario 1

A privacy policy link is available
website footer, but **no other
privacy-related links or
options are present.**

We use cookies, including cookies from our partners, to improve your experience and provide you with targeted advertising.

[Accept all cookies](#)

[Accept only essential cookies](#)

[Manage cookies](#)

[Privacy Policy](#)



Scenario 1



Scenario

A non-obstructing notice

accurately describes tracking and the sale/sharing of personal information

[Accurate description of tracking and sale / sharing of personal information]. Manage your choices in your Preference Center.

[Go to my Preference Center](#)

Scenario

The notice links prominently to a preference center

[Accurate description of tracking and sale / sharing of personal information]. Manage your choices in your Preference Center.

Go to my Preference Center

My Preference Center

Opt out of the sale or sharing of your personal information.

Do not sell or share my personal information



Currently: allowed — toggle off to opt out

Global Privacy Control detected

Your GPC signal has been honored as an opt-out request

See our [privacy policy](#) for details on categories of information collected and shared.

Scenario

The sale/sharing opt-out works, and GPC is honored
(with appropriate status displays).

[Accurate description of tracking and sale / sharing of personal information]. Manage your choices in your Preference Center.

[Go to my Preference Center](#)

My Preference Center

Opt out of the sale or sharing of your personal information.

Do not sell or share my personal information



Currently: allowed — toggle off to opt out

Global Privacy Control detected

Your GPC signal has been honored as an opt-out request

See our [privacy policy](#) for details on categories of information collected and shared.

Scenario

All tracking technologies are set to fire by default unless and until the user opts out of the sale or sharing of personal information.

[Accurate description of tracking and sale / sharing of personal information]. Manage your choices in your Preference Center.

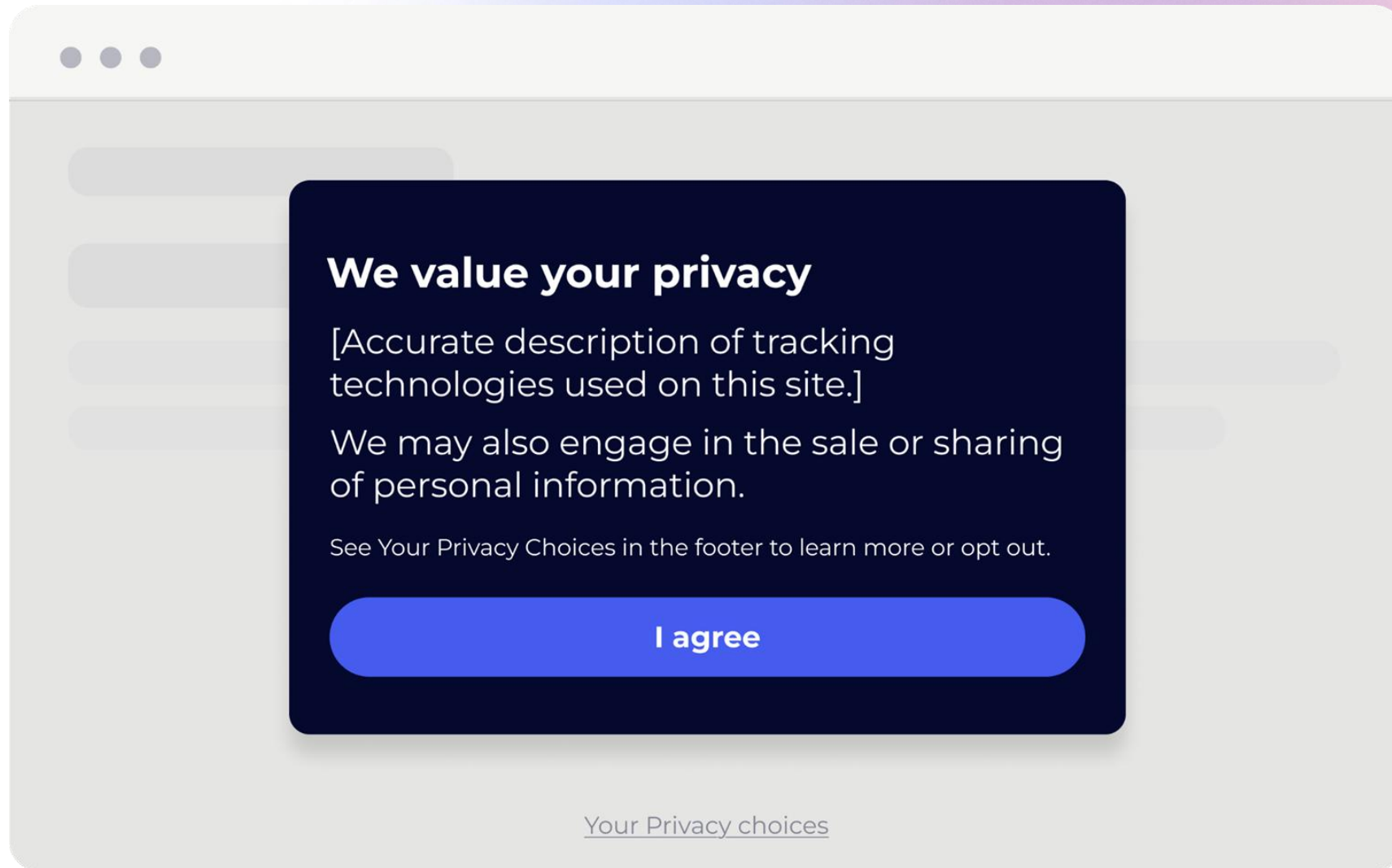
[Go to my Preference Center](#)



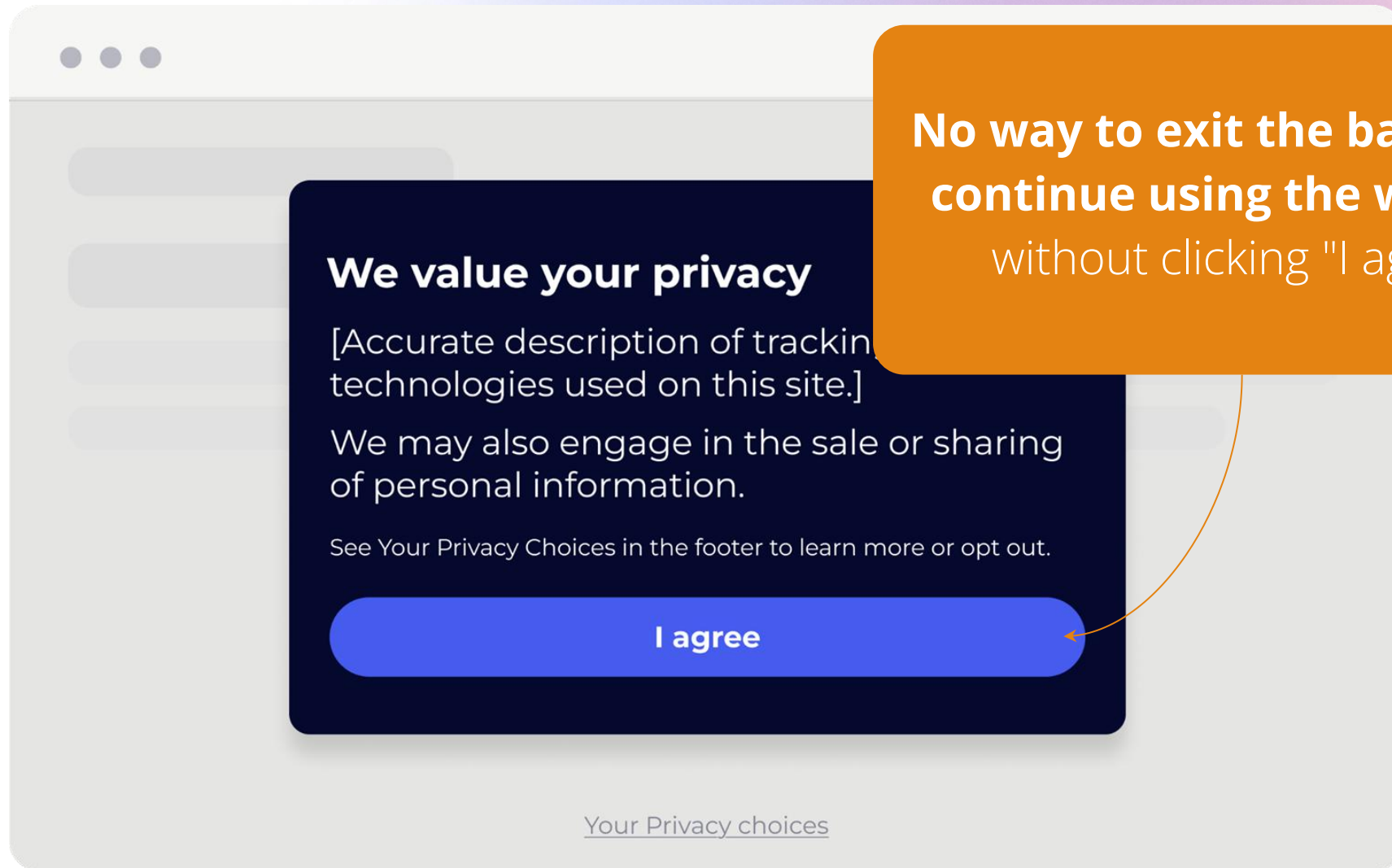
Scenario 2



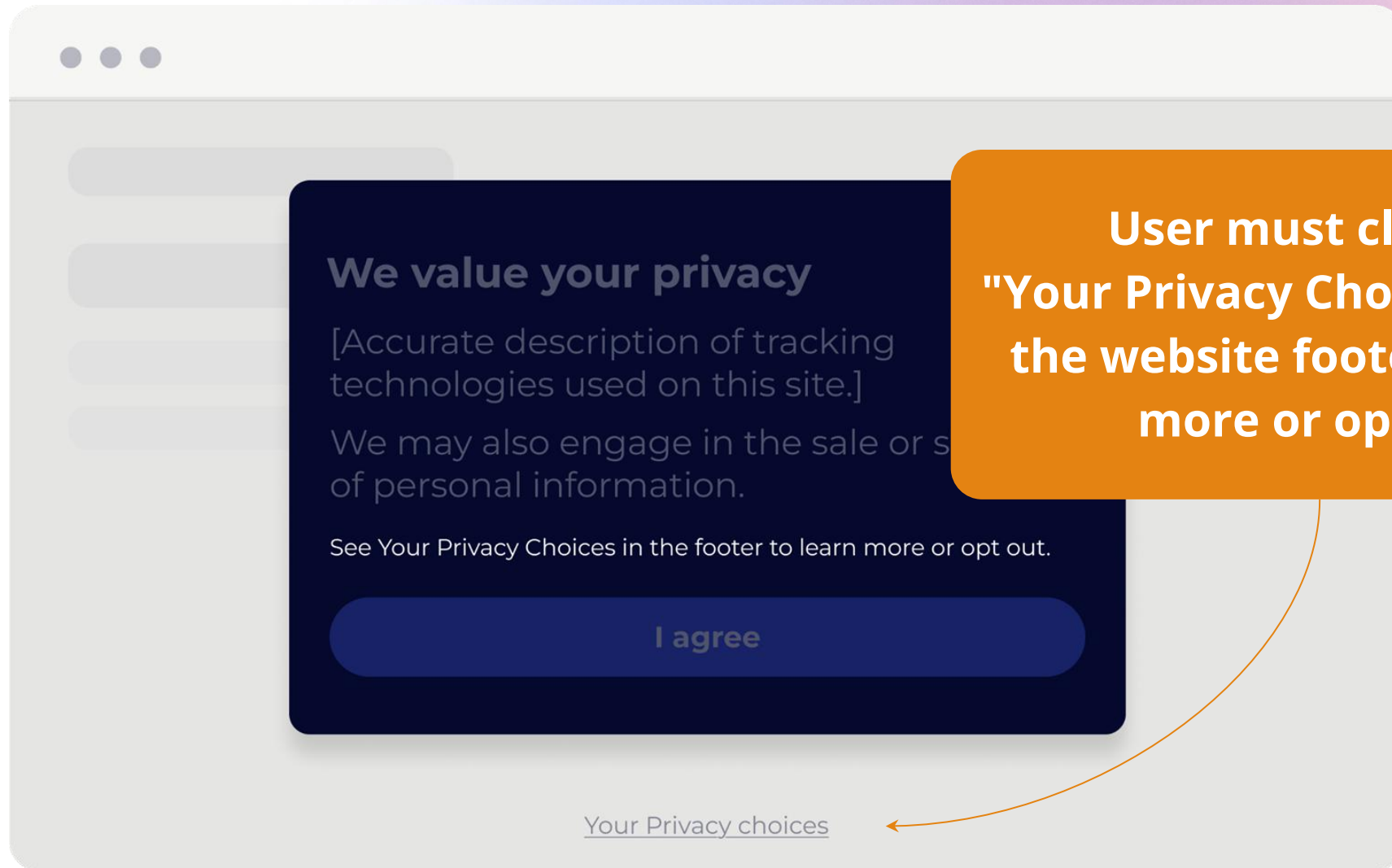
Scenario 3



Scenario 3



Scenario 3



Scenario 3

My Privacy Choices

Submit this form to opt out of the sale or sharing of your personal information.

FULL NAME

EMAIL ADDRESS

REQUEST

Do not sell or share my personal information.

Submit request

It takes them to a separate page, where they fill out a **web form to opt out** of the sale or sharing of personal information.

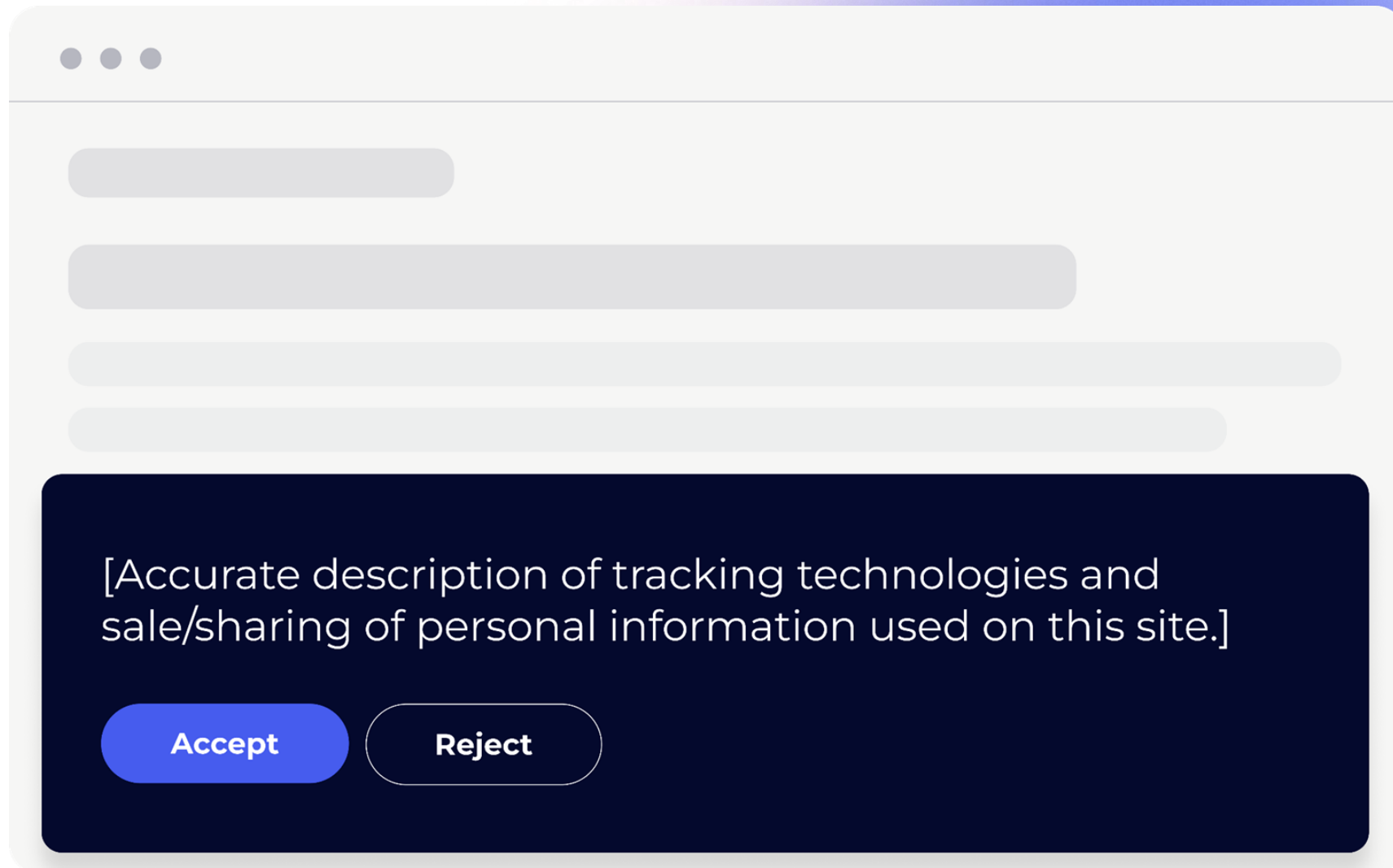
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Scenario 3



Scenario 4



...

[Accurate description of tracking technologies and sale/sharing of personal information used on this site.]

Accept **Reject**

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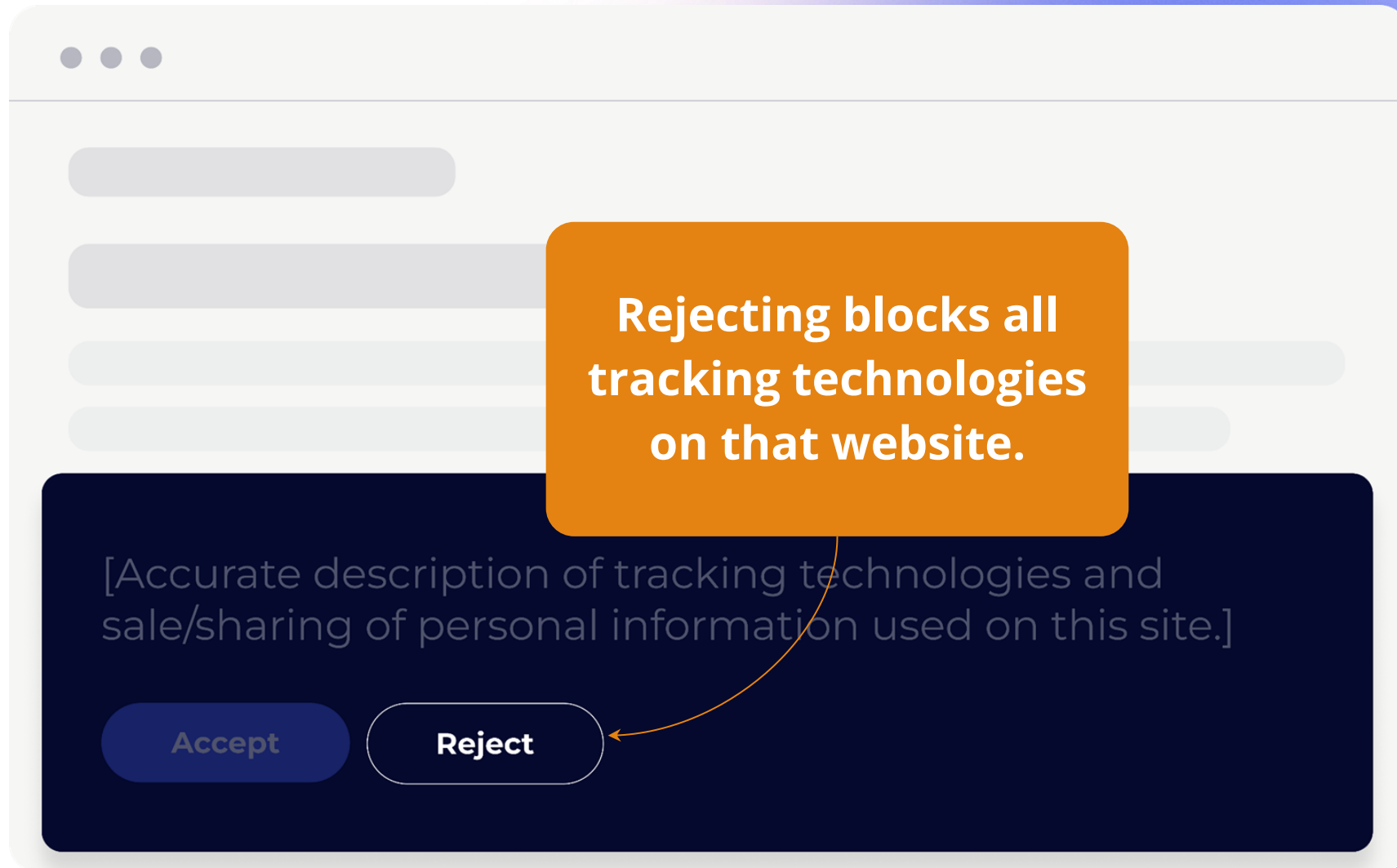
Scenario 4

Nothing fires before
"Accept" is selected

[Accurate description of tracking technologies and
sale/sharing of personal information used on this site.]

Accept Reject

Scenario 4



The company has...



Website



Mobile App



CTV



**Brick & mortar
presence**

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Website



Mobile App



CTV



**Brick & mortar
presence**

**Data from those touch points are separately sold
or shared within the meaning of CCPA**

Scenario 4

Do Not Sell Or Share My Personal Information

Covers data from our website, mobile app, CTV app,

Website

App

CTV

In-store

EMAIL ADDRESS

REQUEST

Do not sell or share my personal information.

Submit request

Web form where users can opt out of all sale or sharing of personal information.

It's reachable from the footer, the app, and the CTV app

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Scenario 4

If a user clicks "Accept" on the banner, it overrides any opt out through the web form, but only with respect to tracking technologies on that website.

Website tracking re-enabled

[Accurate description of tracking technologies used on this site.]

Accept

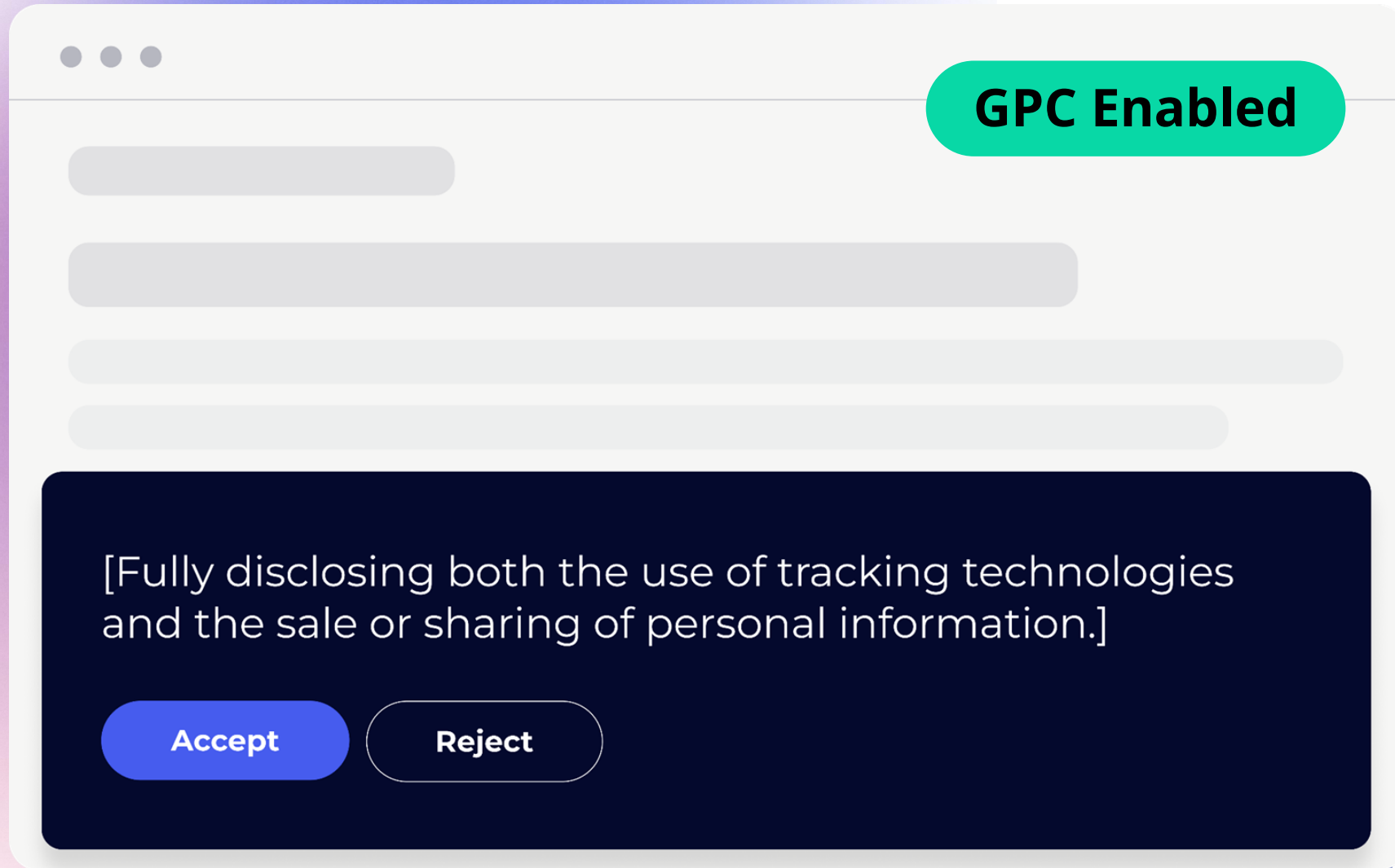
Reject



Scenario 4



Scenario 5



GPC Enabled

[Fully disclosing both the use of tracking technologies and the sale or sharing of personal information.]

Accept Reject

Scenario 5

GPC Enabled

**No mention of GPC in
the banner**

[Fully disclosing both the use of tracking technologies
and the sale or sharing of personal information.]

Accept

Reject

Scenario 5

GPC Enabled

Nothing fire until the user selects an option.

[Fully disclosing both the use of tracking technologies and the sale or sharing of personal information.]

Accept Reject

Scenario 5

Tracking technologies resume, and the user is opted back in to the sale and sharing of personal information.

[Fully disclosing both the use of tracking technologies and the sale or sharing of personal information.]

Accept

Reject



Scenario 5



Consent Takeaways

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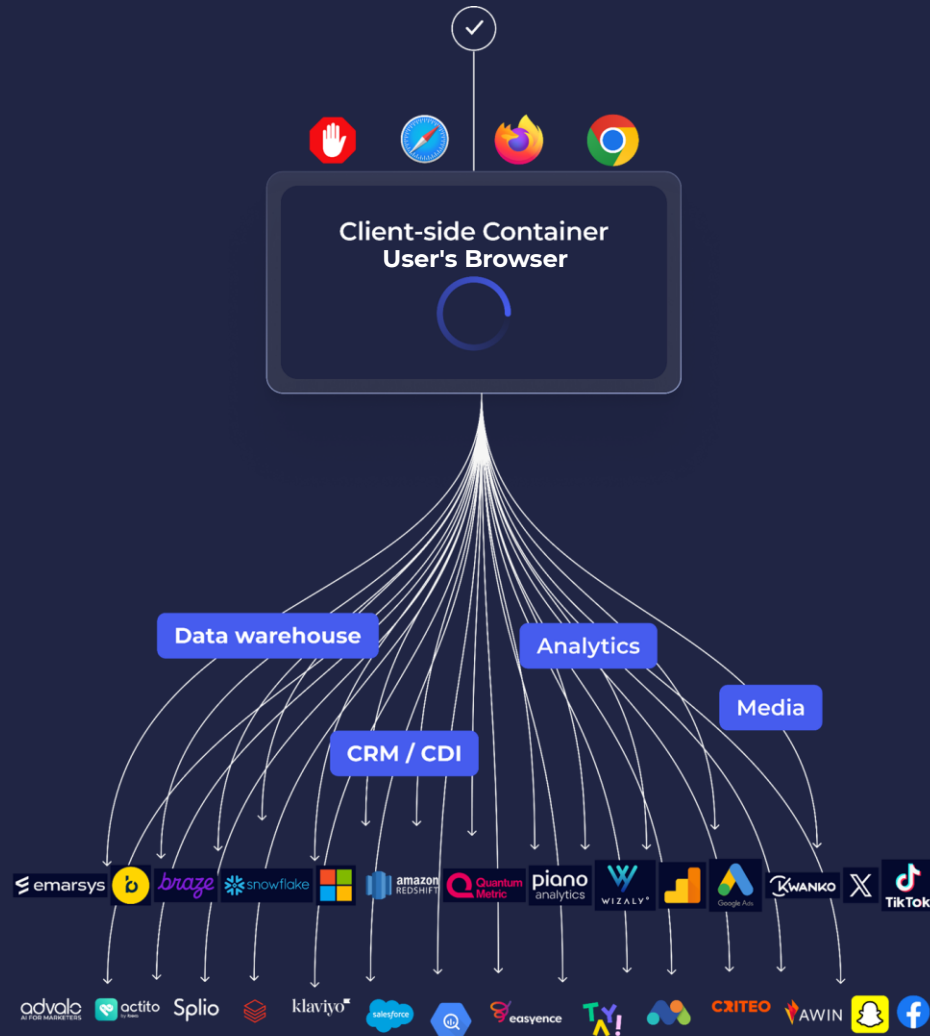




How familiar are you with server-side tracking as a CIPA mitigation tactic?

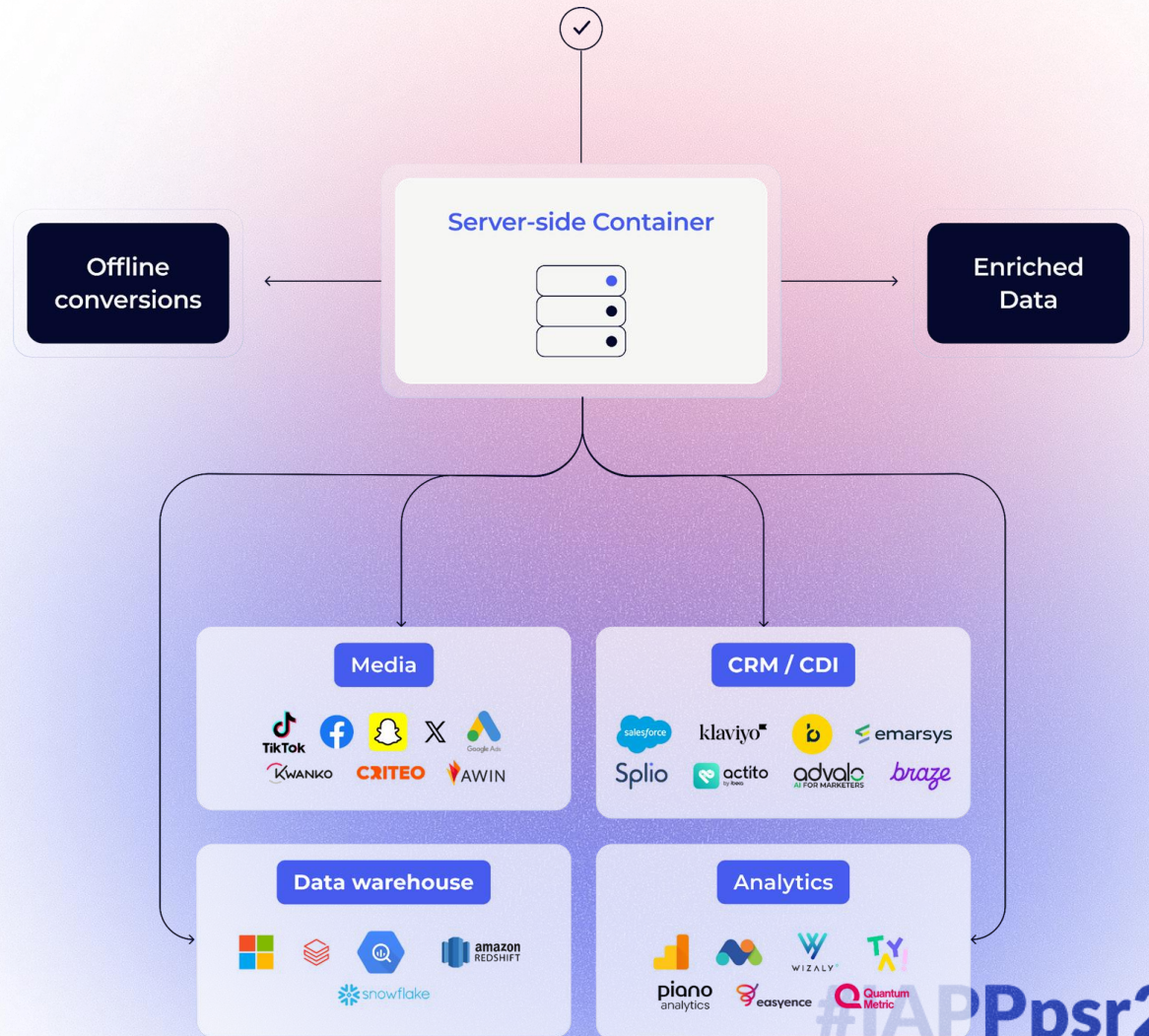


Client-side tagging is *messy*



VS

Server-side tagging is *controlled*



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Client-side tracking

What a plaintiff's lawyer sees

Network Console Sources Application

Name	Domain	Type
collect?v=2&tid=G-X...	google-analytics.com	xhr
tr/?id=1234567890	facebook.com	img
tr/?ev=PageView	facebook.com	img
i/adsct?txn_id=...	analytics.twitter.com	xhr
px.gif?pid=xyz	ads.tiktok.com	img
li.lms-analytics/idsync	linkedin.com	xhr
pagead/conversion/...	googleads.g.doubleclick.net	xhr
collect?dl=...	google-analytics.com	xhr
activity;src=...	ad.doubleclick.net	img
hotjar/sites/.../snap	hotjar.com	xhr
b/ss?...&c=...	adobe.com	xhr
conv?id=...&val=...	pinterest.com	img
e/eu/r.gif?...	criteo.com	img
match?u=...&c=...	snapchat.com	img

14 third-party domains
Each one a potential "interception"

All visible to anyone in 30 seconds
Fires on page load, often before the consent banner appears
→ "the millisecond problem"

VS

Server-side tracking

What a plaintiff's lawyer sees

Network Console Sources Application

Name	Domain	Type
g/collect?en=page_view	sst.yoursite.com	xhr
g/collect?en=scroll	sst.yoursite.com	xhr
g/collect?en=add_cart	sst.yoursite.com	xhr

1 first-party domain
From the browser's perspective the user is only talking to your site
No visible third-party "interception"
No automatic CIPA red flag
Server forwards to Meta, Google, etc. only after consent is verified

Important caveat
Data is still shared with third parties — it happens server-to-server, behind the scenes.



What's the risk?

You vote!

- ☐ CIPA litigation risk
- ☐ State privacy regulatory risk
- ☐ Both
- ☐ Neither
- ☐ I need more information

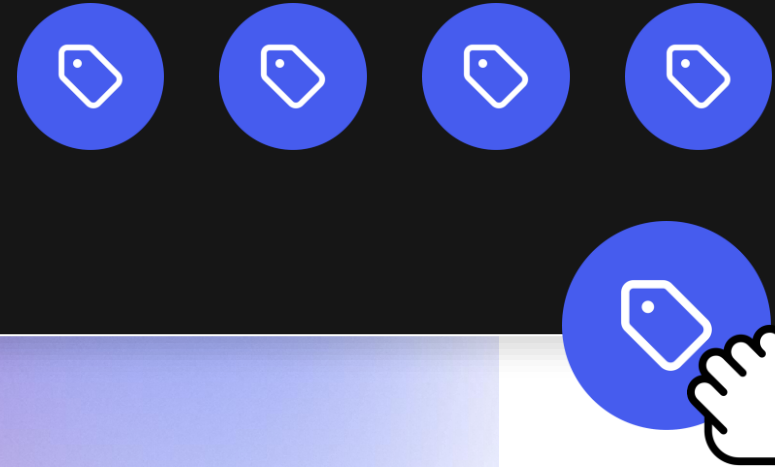
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Client-side



Server-side



**The Company decides to move some tags server-side,
but due to vendor restrictions, some tags have to stay client side.**



r opts out

Client-side



**Advertising tags
suppressed**

Server-side



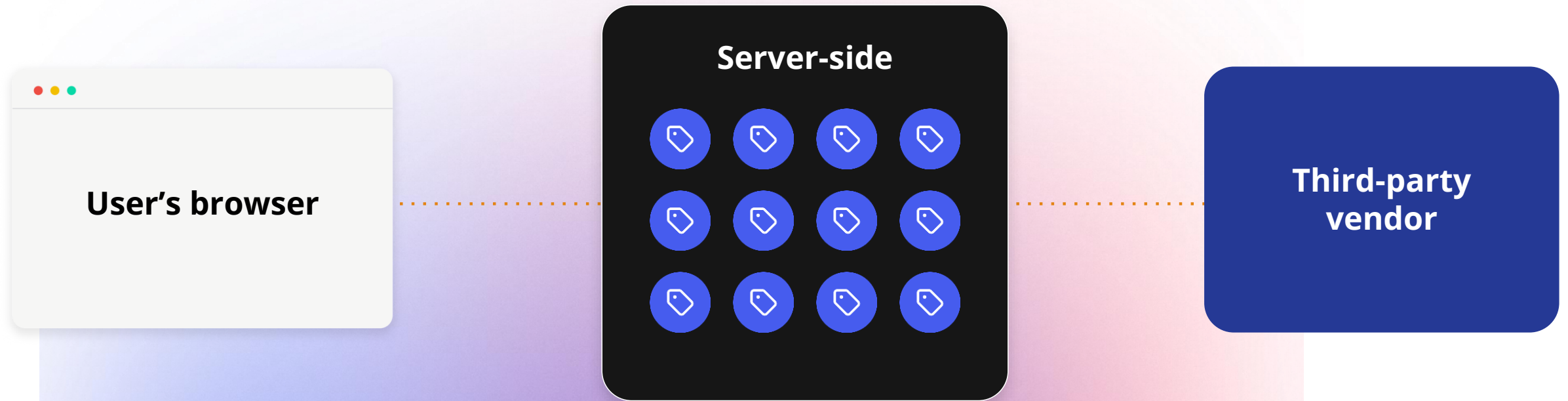
**Continues
unaffected**

**Manual opt-outs and GPC suppress only client-side advertising tags.
Server-side sale/sharing continues.**



Scenario 6



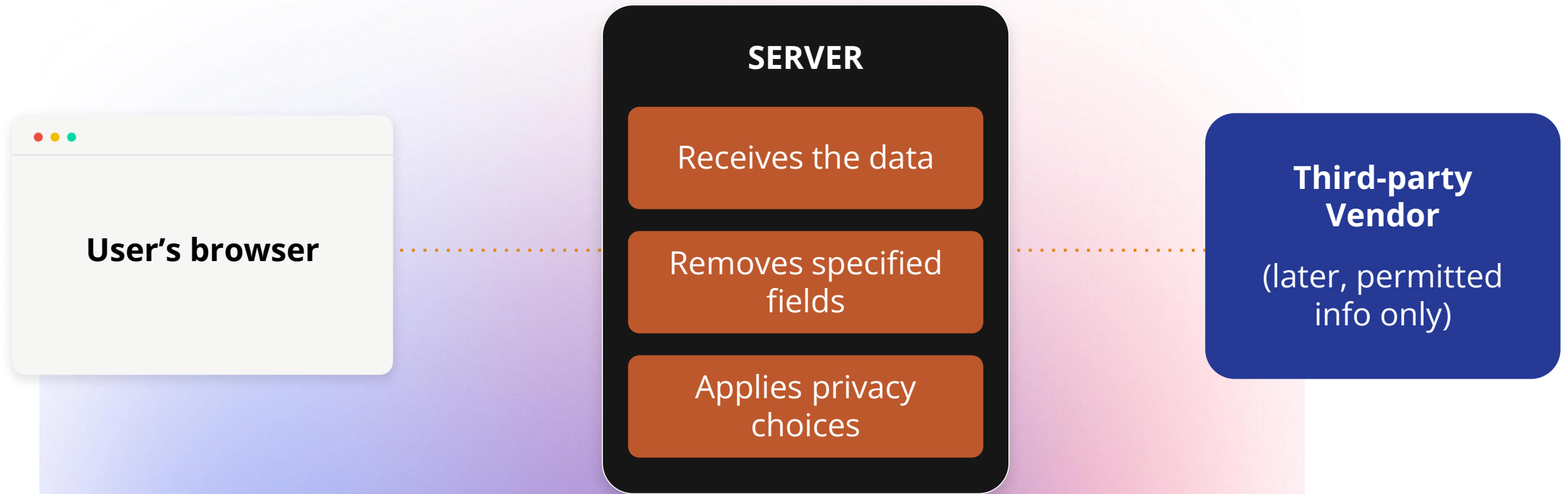


The permitted information passes through the server to the third party
in real time, without modification or delay.



Scenario 7





The permitted information passes through the server to the third party
in real time, without modification or delay.



Scenario 8



General Takeaways



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Thank you! Get in contact:



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