



Aurélie Pols: “Hope For the Future” Season 3: Episode 5

Speaker 1: Welcome to Stayin' Alive in Technology, a series of conversations with Silicon Valley veterans, touching on war stories from the past and practical advice for today. And now, here's your host, Melinda Byerley, founding partner of Timeshare CMO.

Melinda Byerley: This episode is brought to you by my company, timesharecmo.com. But it could be your company here. We've got season three of Stayin' Alive in Tech completely booked already, with an additional 10 more guests on the wait list and close to 30 more on our list of people to approach. Currently, we publish twice a month, most months of the year, but we could go to a weekly format, and more frequently, if we could engage more editing and social media time, as well as cover our current costs. So, please consider a sponsorship for your company. We've got fabulous content reaching some pretty senior folks in the technology sector and you're doing your part to help capture the living history of the technology profession.

Melinda Byerley: Aurélie Pols designs data privacy best practices, documenting data flows, minimizing risk related to data uses, and solving for data quality. She spent 19 years optimizing digital database decision-making processes. She co-founded and sold her startup to Digitas. She's used to following the money to optimize data trails. She follows data to minimize risks and she loves to touch upon security practices and ethical data uses. She leads her own consultancy, Aurélie Pols and Associates, serves as the Digital Privacy Officer for New York based CDP mParticle, and we'll talk about what that means, and was part of the EDPS's EAG. She has been teaching privacy and ethics at IE Business School in Madrid for five years, supports the DPO training courses for Maastricht University, is part of their ECPC board, supported IEEE's P7002, and serves as Ethics Advisor for H2020 Projects.

Melinda Byerley: Aurélie is, along with Gary Angel, who will appear later this season, another master web analytics practitioner that Jim Sterne suggested I



interview for this podcast when I talked to him last season. Aurélie has taken her deep web analytics background and applied it to issues of consumer privacy. When it comes to the GDPR and the upcoming California Consumer Privacy Protection Act, the CCPA, Aurélie is one of the most informed web analytics practitioners out there today.

Melinda Byerley: It is my assessment, as of recording this in August of 2019, that a tsunami is about to hit web analytics. And as a result, marketing in general, because web analytics is how we track and report on digital performance. If you don't know what GDPR and the CCPA are, if you work in digital marketing or business analytics, it's time to catch up.

Melinda Byerley: But another reason I'm excited to introduce you all to Aurélie, if you haven't already met her, is that she lives outside the United States and she has a full understanding of the history behind privacy laws and why even that term, privacy law, isn't the right term to use. The EU thinks about consumer privacy a lot differently than the United States for very understandable, historically-driven reasons that she's going to tell us about.

Melinda Byerley: Lastly, Aurélie will challenge every marketer to think about what we will do or not do at this critical moment in our history. Will we perpetuate laws and practices that hurt consumers? Or will we just focus on the money? When should we say no to potential clients with a lot of money? Aurélie's point of view is well informed, educated, and thoughtful. She's serious about the challenges we face, but remains excited and optimistic about the future, which is why I chose Paul McCartney's Hope for the Future as her episode title, which you can listen to on our Spotify playlist. I think you'll enjoy meeting Aurélie as much as I did.

Melinda Byerley: Welcome, Aurélie, to the podcast.

Aurélie Pols: Thank you for having me. Great to be here.

Melinda Byerley: So, Aurélie, we're going to get into the future and all of the amazing things that are going on right now. But for a moment, I want to step back in the time machine and ask you if you remember what you wanted to be when you were a little kid.

Aurélie Pols: Oh, I wanted to be a surgeon. A brain surgeon.

Melinda Byerley: Really? What prompted that?

Aurélie Pols: I have no idea, to be honest. Then I started biology classes and my mother bought me a book on medicine, the history of medicine. So, that changed very fast into, "Well, no, I won't study medicine after all. Not going to do that." However, I did bump into economics at some point, around 14. That's where, together with my love for data, my interest in how economics, and econometrics, and statistics work. I had this wonderful teacher called Mr. [inaudible 00:04:49], at the European School in the Netherlands, who basically taught me two things.

Aurélie Pols: The first thing is always be different because you have a competitive advantage in not following the crowd. So, I took that on, very early on. The second one was about incremental optimization always being negative and that, at some point ... His example was always about peanut butter sandwiches because I grew up in the Netherlands. So, you're happy with your first peanut butter sandwich and you're kind of doubly happy with your second peanut butter sandwich. But between sandwich 36 and 37, your utility, your marginal utility has seriously decreased. So, at some point, there's a limit to how much you can optimize your utility. These are my two takeaways from economics that still manage my life on a daily basis.

Melinda Byerley: I just need to ask that people really eat peanut butter in the Netherlands because I hear from people in Europe they can never get their hands on peanut butter.

Aurélie Pols: Oh, yes, absolutely. But it's salty. It's not sweet. So, it's not Peter Pan peanut butter like in the United States. And we don't do peanut butter jelly sandwiches. We just do peanut butter. And we used to skate, ice skating, using peanut butter sandwiches to keep us going.

Melinda Byerley: I love peanut butter, so thanks for that little side discussion about peanut butter. So, actually you answered my first question, which was what the lessons and principles of economics that you learned that you've taken with you and you gave two excellent examples. So, I'm going to fast forward a little bit and, as I was looking through your LinkedIn profile, around 2000, your LinkedIn profile says, "WebTrends landed for the first time on my desk, along with AdServers, DoubleClick access, and a whole bunch of other stuff." I think it's really

instructive for people to understand what that meant and what you were doing when that sort of landed on your desk.

Aurélie Pols: Well, basically, it was Pan-European medical startup during that .com era and where we had content management systems. So publishing content about medical information. A bit like WebMd, basically. I think that's still around. And then trying to understand where people came from, what they were doing, and things like that. So, the content management system was something called Spectra from Allaire a very, very long time ago. WebTrends 6 Log Analyzer was there as well, together with the AdServers.

Aurélie Pols: It was basically trying to figure out, together with the editorial teams that were publishing content and rolling out websites on the Pan-European level, trying to understand what was working, what were people reading, what were they interested about and also, trying to drive traffic to the websites through direct deals because ad networks did not really exist at the time. So, direct deals with, for example, Lycos or Yahoo to drive traffic to the website. We did interesting analysis on, for example, click-through rates of banners, which were from 2 to 5 to 15%.

Melinda Byerley: That's outrageous. That's crazy high.

Aurélie Pols: It was fun. Trying to understand whether question marks or exclamation marks worked better in Italy or in Germany, and things like that. One of my friends, who came to visit me a couple of days ago, presented a case study at the IAB on that about 10 years ago, which was the result of our collaborative work between the editorial team. One of my friends from there now lives in Brazil. She's still in Belgium and I am in Madrid, we did that together, trying to figure out how this worked.

Melinda Byerley: I'm fascinated that you said it was cross-functional because it seems like we've gone back into this siloed world where marketing's analytics tends to live on its own. So, I'm fascinated that, at least in your experience, it started out as a cross-functional discipline. Am I reading that right?

Aurélie Pols: Oh, absolutely, yes, yes. We were really this tightly knit team of crazy geeks on the Avenue Louise in Brussels, with a lot of VC money that

we burned through very rapidly. But we were allowed to, so it was like it was interesting. But it was certainly between what kind of content are we publishing, how the content management system was set up, how the logs were set up, how the media planning was done, what drove traffic to our websites, and things like that. It was all four of us working together to understand the data that was flowing out of the lock crunching of WebTrends at the time.

Melinda Byerley: Were you crunching data in Excel or some other tool?

Aurélie Pols: Yeah. WebTrends allowed us, I think, to ... It's been a while. It's been a couple of decades. It was through Nvidia. I think it was a lot of VLOOKUP tables and things like that.

Melinda Byerley: VLOOKUP, yeah.

Aurélie Pols: VLOOKUPS, the pivot tables, things like that, and then trying to make sense out of it. It was also the time of Flash, so that was a major problem because you can see much in the LOCK files at the time. So, it was before basically pixel tagging. And so, you had to make assumptions about certain things that didn't always turn out correctly. It wasn't always that easy to find the data and it was this hope through time--because after that, I went into Google Analytics, and tagging, and tag management systems--that the detail would get better. It's interesting because it's like a forward race and this hope of the shiny light that you will totally understand the customer, which I think is not possible. We still make assumptions and we have to be careful how you use the data.

Melinda Byerley: That's so true. I mean, it hasn't changed. It has and it hasn't because we're going to get into that. Fast-forwarding to about 2015, I saw that you became an adviser to a company called MyPermissions and that's where I first start to see the mention of privacy in your work history and I'd love to hear how your interest in the pure analytics. What is the customer doing? Where are they coming from? The desire for full understand of the customer. When in your mind did all of a sudden the questions about privacy start to come in?

Aurélie Pols: It actually came pretty early and I remember back in 2007, the acquisition of DoubleClick by Google worried me because I understood how these systems worked and I could imagine the skill

that they could have at some point. And so, that was the first bells that started to ring and sing. We're starting to share data between the New York Times and then the MBA and things like that and those were already examples of best practices in digital measurements more than 15 years ago. You can't help but question and ask yourself, "Is that actually a good thing?" Where is that balance between responsibility of the companies and what the customer would expect? And things have changed a lot since then, obviously. And then other things came up.

Aurélie Pols: I mentioned this also a couple of weeks ago, Rob Lowe in the "West Wing" at some point talks about privacy and civil rights and the fact that privacy is going to be the discussion for the next 20 years about who's gay and who's not and health records and things like that. So, we just sold our startup, my ex-husband at that time, and I was watching the West Wing at night and I woke him up and I said, "You know, digital analytics...There's just so much specialization I can do, at some point I also get bored." And there was this thing called GDPR. That started to emerge, discussions about it. It took five years to be completed. And so, it was rather clear to me that the next step would be about finding the right balance between how much data we're collecting and what is acceptable for our societies.

Aurélie Pols: Something else also happened in the sense that I have my first Gmail address. It's still my personal Gmail address and it's a French wine, which can be very good certain years and very bad other years. That's typically me. If I like the project, I can shine. If I'm bored, well, I try, I deliver the optimum. And so, I chose Madiran as my Gmail address and it's also because we were drinking wine at the time and that bottle. Then a couple of years later, when I started with "Web Analytics Demystified" with Eric Peterson, we were on a call I think it was with Unica, and they said, "Mad Iran," and I was like, "Oh my god, I never thought about that."

Aurélie Pols: This actually explains why when I went to eMetrics conferences, I got always four S's on my boarding passes every time I went to the United States and went through explosive detections and usually about half an hour to four hours questioning by the police in the US.

Melinda Byerley: What was Madiran? Maybe explain to people who weren't around them what they meant by that?



- Aurélie Pols: So it has the word Iran in it, so after 9/11, due to PRISM and Edward Snowden, I realized that basically Google was sharing data with intelligence agencies and so then I was flagged and that's why I had four S's on my boarding pass.
- Melinda Byerley: Holy cow.
- Aurélie Pols: So that was interesting.
- Melinda Byerley: Is that part of the ...
- Aurélie Pols: PRISM.
- Melinda Byerley: PRISM, that's right, where the tech companies were working together and that was your personal experience with this.
- Aurélie Pols: Well, I didn't realize it at the time and it was really funny because I had never voted, I'm not a political activist or things like that, so it really surprised me and it was after 9/11, but it took Edward Snowden for these stories to come out and say, "Hey, I had four S's on my boarding pass, this is what it means," and it came out like five years later. I wrote a LinkedIn post about it because I was so surprised like, "Wow, really? Seriously?" It's a French wine. It was a joke.
- Melinda Byerley: And this is the problem with some of the artificial and machine learning, right? The nuance and the context are completely missing, especially when you cross culture and cross language.
- Aurélie Pols: Absolutely, and you put keywords. Iran seemed like a logical keyword and Madiran, well, who knows it's a French wine?
- Melinda Byerley: Certainly probably not your average US intelligence officer, I suspect. So this is fascinating because you're now with a company called mParticle, if I have that correct, if that's updated. And I'd love for you to talk about what they do, but also your title is data protection officer. I think it's a relatively new title and I think it's worth talking a little bit about first the company and then what your role is there.
- Aurélie Pols: Sure. So, mParticle is a customer data platform based out in New York and it's the next generation after the MPs. I spent some time with Krux also, a data management platform. Before their acquisition by

Salesforce and did the handover as well, they're a privacy consultant and a data governance support. And then the team of Krux, some of them called me back and said, "Hey, the GDPR requires this person and very official title, which is a DPO." So, it's defined within the GDPR certain companies have to appoint data protection officers and basically, they knocked on my door. In the beginning, I was like, "I've done Krux, I'm good. I don't really want to go back to digital. You scare me. I like listening to the lawyers and the policy makers."

Aurélie Pols: And this is where the team from mParticle said, "Well, we have something called open GDPR." I said, "Okay, what are we talking about?" Actually, it's an open source framework that allows to pass on data subject requests through the digital ecosystem. So, our clients, for example, imagine Airbnb or whatever, get requests from people to say, "I want you to delete my data," as a CDP, mParticle will allow to receive those requests and then pass them down the data pipes to the partners that also integrate the data and then come back with the acknowledgements of what actually happened to this request and allow their customers to be more accountable on the GDPR.

Aurélie Pols: And that was like, when they explained it to me, I was baffled. I was like, "Wow, this is great because it rebalances this idea of the rights of the citizens and it's a first in its kind." Well, now other CDPs also do it, but it really showed this mindset from mParticle to say, "We understand the GDPR is there. We understand data protection and privacy is important, so let's try to work together." So, in that sense, I'm in my second year now as data protection officer and it's getting more and more interesting. Certainly also with the California Consumer Act that is going to kick in in 2020, building on top of what we've done for GDPR for us as a company, obviously, even though it's a US-based company, but choosing the GDPR as a baseline and then building on top what might be required to assure that our clients are as compliant as possible with upcoming legislation.

Aurélie Pols: This is where, obviously, the United States is very funky for the moment because a lot of things are coming out. There's a lot of discussion about California, obviously. But the State of New York had a couple of proposals on the table that didn't go through. Vermont has something on data brokers. So, it's interesting to see what are the features that we need in order to help our clients be as compliant as they can, more forward-thinking, building trust with their own

customers, and seeing how we develop that. What is the time to market? What makes sense, what doesn't, and how risky both for us and for our clients as well?

Melinda Byerley: It's interesting, you're not trained as a lawyer, correct?

Aurélie Pols: No, I'm not. No.

Melinda Byerley: So you must work with counsel then. You work with in-house counsel as well as product and engineering then. So, it's a cross-functional type of role.

Aurélie Pols: Absolutely. So, we have legal counsel based out of the US, also somebody I've known for many years. We don't always align, so that's also interesting. My position is this. What do you think? Well, sometimes, we have to find the right way to go.

Melinda Byerley: So, Aurélie, it seems then that when you're working with counsel, I'm fascinated by the fact that there is no one right answer and that even right now, at the top of the profession, what it is is a discussion of risk.

Aurélie Pols: Yes, absolutely. It really starts with this alignment between what we say within the contracts, where is our risk, and what do we promise. Certainly, when we talk about American legislation and then how this is actually aligned with the actual flows. So, this means that when you're talking about the platform that basically integrates data, and that's about it, the stances that we took six months ago, a year ago are increasingly being challenged. They are being challenged by the partners we work with. Some of us have tried to push us into signing certain contracts that actually don't make sense because they don't reflect the data flows. But we're also challenged by our customers. So, it's always about, "Oh, this company or partner or customer wants us to sign this document." And then it's about, "Okay, hold on. Let's step back here and try to understand what's going on. What are the different intermediaries because the ecosystem is getting more and more complex.

Aurélie Pols: And so, for example, when we talk about allowing our customers to integrate their data to our partner's data. So, for example, you have FMCG that pushes data towards Facebook and uses our tool to do that. In the beginning, a lot of privacy professionals considered that

we might be processors, sub-processor, whatever, but that we had a relationship with that partner, which isn't the case because we don't do anything with that data. We just plug the data together. We are a pipe and we don't touch upon the data. And this is very important to understand because if you start, for example, merging data together of your customers and start predicting certain things and using that data in another way, then obviously you have to have some form of a legal contract. But if you're just the intermediary and the only thing that you measure is basically the connection, that person in that company, set up that link between those data flows, then you are nothing within that relationship.

Aurélie Pols: And so, it took us a while to have conversations with legal counsel to make sure that we understood each other in the interpretation of what do the data flows look like, but also the interpretation of the law in which bucket we would be. And so, this requires often first a stance on our part to understand, "Okay our customer success team is plugging data left, right, and in the middle. What does that mean? "What is our stance? Agreed together with the legal counsel? And then come to our customers or our partners to say, "This is what we think."

Aurélie Pols: And in that sense, we've pushed back a couple of times to say, "No, we're not signing that DPA because we're not sub-processors of anything. This is how we see our relationship and our data flows with our customers and with you, the partner." It's interesting because in the last six months, nine months, these conversations have evolved. And they have changed in the sense that in the beginning, you had a lot of lawyers who were saying, "Oh, but we absolutely have to have a contract," and you're like, "Well, we consider we don't. So, it's your risk, not mine. Now, we can have a conversation about that."

Melinda Byerley: Hi, it's me again. Thanks for your support of the season In Stayin' Alive in Tech. Can you believe that we're now being heard in almost 70 countries? I love seeing the stories of our guests travel far beyond the confines of the apartment where I'm recording this podcast. And if you love tech, you know how algorithms work. So, I'd consider it a personal favor if you took the time to write a review for us on iTunes, Google Play or wherever you get your podcasts. Also, we're a labor of love, but if you or your company would be interested in sponsoring our podcast to offset the cost of our sound engineering, domain

hosting, social media marketing, and audio equipment, please visit stayinaliveintech.com and let us know. Enjoy the rest of the episode.

Melinda Byerley: As we sit here and we're recording this for posterity in August of 2019, recently Facebook, British Airways, Marriott are all facing pretty massive fines under GDPR. I checked and I think you mentioned Vermont, California. There's legislation pending. I think I counted 14 states with California at the forefront. And so, this podcast is really all about learning from the past to understand the future, and Aurélie, how did we get here? How did we get to this place of all of this legislation and all of these different places all at the same time and nobody understanding what's happening and still making it happen as we go?

Aurélie Pols: I think, first of all, history between our continents is very different. So, initially, how did we as Europeans get to the GDPR? Well, it's very simple. It's the evolution of the Data Protection Directive of 1995. Okay. Supervisory authorities like French [inaudible 00:27:47] were set up in the 1970s. The Germans got worried about data protection and privacy because of census data in the 1980s and also because of the reunification with Eastern Germany. So, from the European perspective, this is the result of what we've seen during World War II, the Universal Declaration of Human Rights, to which you can add also Eastern European countries, where surveillance was obviously a big topic.

Melinda Byerley: Yeah, and so it's a reaction to that surveillance. Like if you've been under surveillance, you understand what the problem is and you don't want to experience that again, correct?

Aurélie Pols: Yeah, and you want to assure also that you can live a fulfilled life independent of how much information or data is about you. And so, I mentioned the Declaration of Human Rights of 1948, that was set up by a wonderful woman called Eleanor Roosevelt.

Melinda Byerley: Mm-hmm (affirmative). I've heard of her.

Aurélie Pols: And from there, that document has evolved in Europe to become the Charter of Fundamental Rights of the European Union, of which the first article talks about the dignity of the human being. And so, this comes from the concentration camps, obviously the medical research

that was done during World War II. It is certainly today very prominent in the discussions in the sense that data can be shared between different companies and start to have consequences on people's lives and that your dignity is partially being eroded if we are not careful about how that data is being managed and is going to be shared, the choices that we make within our lives. So, that's the European aspect of it.

Aurélie Pols: I think from an American perspective, certainly, front runners like Edward Snowden sharing information about what surveillance looks like, certainly after 9/11, made a lot of people worried in the United States about how data was being used. And I think that's more the perspective that is being questioned from the beginning in the US. A lot of discussions about FYSA and things like that. And I didn't know if somebody remembers, but the re-spawning of cookies of Verizon a couple of years ago as well. That was highlighted. But there was not a lot of discussion when it came to really understanding what are the rights of the individuals would be within that ecosystem.

Aurélie Pols: And this is also where Europe and United States differ in certainly the economic logic of monetization also of data, in the sense that there's lots of things that you could do in the United States that will probably not be legal in Europe. Creating data markets, for example, is something that is still on the table for the European Commission. That will probably not be solved within the next couple of years. So, we're seeing this digital evolution being pushed by the United States, being pushed upon the rest of the world that has consequences on our societies. And obviously, the biggest one we know is Cambridge Analytica, where we could basically partially say that, "Who knows, maybe Facebook wrote democracy one way or another." But that data has more consequences.

Aurélie Pols: Having said that, there's more emphasis certainly in the United States on the security aspect of it. Data breaches, Equifax, and things like that. But this feeling and for example, peer research did a lot of surveys about this, certainly when I started digging to look at data protection and privacy, about this feeling of there's nothing you can do about it. It is like that. There's nothing you can do about how your data's being used, unless you buy a farm in Africa or you just go to an island somewhere and you refuse to use your mobile phone. I think today, as we understand that there's more power going towards

certainly bigger companies, in France they call them the GAFAs, Google, Amazon, Facebook and Apple.

Melinda Byerley: Yeah, We call them FAANG here, but yep, same idea.

Aurélie Pols: Yeah. So, this concentration of power is certainly something that is being discussed more and more since the last six months, one year. And where there's basically a worry I see in the United States related to, yes, how individuals are going to manage their lives, but certainly how much money certain of these big players are making. And is this good for this liberal idea of doing business and having the markets evolve in a competitive way? And so, there's been more discussion certainly about concentrations of power, security breaches, and things like that in the US.

Aurélie Pols: So, the positions are not totally the same and I think the challenge is going to be to try to find a global perspective onto this to allow also companies who are working globally to align to their obligations. And this is also something I'm seeing more and more, the discussions we're having for the last six months for certain companies who are saying, "GDPR is for my EEA markets. But now, I need to start thinking about California. So, am I going to fork my beta endeavors? Am I going to build California on top of GDPR? How am I going to do that?" And on top of that you have other countries, for example, like Russia, Singapore who don't want the data to leave their territory. So, what does this mean for a company doing business on the global level where we all understand that data is the new oil, the new infrastructure or whatever you want to call it, but is certainly something that is important in optimizing your business?

Melinda Byerley: And it's so funny, it's almost like you saw my notes because that was my next question, which is a lot of our clients will say either A, "I don't have customers in Europe, so why do I have to bother?" But with CCPA coming and it has some GDPR elements, I mean, you've mentioned some of the history, but I want to dig a little deeper into this. Like why do you think Americans ... and by the way, I have to give credit to our mutual friends in Measure Slack that came up with this question for you, so this is our people asking. Why do you think Americans fundamentally think about privacy differently than Europeans? I mean, you've mentioned the Human Rights Act or the Human Rights Declarations after World War II, but in America, I feel

ignorant of my own country. I don't know if I have an answer for why I think we don't think about privacy the same way.

Aurélie Pols: I think, first of all, what you need to understand is that in Europe, we don't use the word privacy. So, it's a very American word. Also, because well, it's very difficult to mediate for something you can't really coin. What is privacy? Is it my privacy? Is it the privacy of my family, my household? And I think in that sense already, we are not talking about the same things. The GDPR is the General Data Protection Regulation, it's not the privacy regulation. There is a reason for that because it's such a fluffy thing that is very difficult to define and where basically, and this is also purely what somebody in the Slack channel said, it's grounded in fundamental rights. And this is a bit how this logic of the GDPR but also ePrivacy is being built up.

Aurélie Pols: In Europe, I always compare it to Gaudi's cathedral, La Sagrada Familia, in Barcelona. The legislation in Europe is built up as a cathedral, one top of the other or basically GDPR is the reflection of Article Eight of the Charter of Fundamental Rights and ePrivacy is a reflection of Article Seven. The thing is the structure of the law in the United States is not built on the same system as in continental Europe. So, in continental Europe we're based on civil law and Anglo-Saxon countries tend to be based on common law logics. And this is also what we've seen in how the California Act came about. It's a very strange story when you think about it.

Melinda Byerley: You should tell the story. I want to hear it.

Aurélie Pols: Well, basically it's ... I don't even remember everything. I really follow the GDPR and then see what else comes. But it's about somebody who is a private person who decided, basically, to finance that law and through the hoops of how American lawmaking comes about. Well, basically it was that or something worse, if I understand correctly, and so, this is how it passed. But this was made in what, a year, six months?

Melinda Byerley: Mm-hmm (affirmative). Very quick.

Aurélie Pols: Yeah, it came about. I mean, I waited for the GDPR for six years and 5,000 amendments. And this came about very fast. There's still, I think, discussions about certain articles within the California acts and

we are waiting for now our guidance by the Attorney General of California to make sure that we go in the right direction, but as you said ... So, basically, legislation, the way the law is built in the United States and in continental Europe is very different. The UK is the bridge between the two. The UK is this weird country that's getting weirder by the day (but we won't talk about Brexit).

Aurélie Pols: And also, and certainly, this is where Jim Sterne often has a lot of things to discuss about when we talk about this, is the power of the courts within the common law logic of US legislation in the sense that well, the courts have a lot more power and are a lot less aligned, I think, than when you think about this "cathedral" that we have built in Europe. The way it works here in Europe is you're not happy, you complain to a supervisory authority in your country. That supervisory authority will look at it and then issue fines. So, for example, the ICO came with an intention to fine for British Airways and Marriott, which then British Airways in Marriott can answer to and if they want, they can go to court. So, there's like an entire escalation procedure that can take place.

Aurélie Pols: And also, there's something we do not have in Europe until the GDPR came about, is we do not have class actions. It doesn't exist in our way of thinking about the law. A bunch of people cannot come together and basically go against the company. It changes within the GDPR. It's possible for not-for-profits to do that. So, let's see what comes out of that. But it does mean that if the United States gets their act together in terms of doing the right thing, grounded in legislation, well actually, the risk is not going to be the Europeans.

Aurélie Pols: And I have one of my friends out of Finland who often says, "You know what's the worst nightmare is European rights and American fines." When we get to that, then we will take data processing more serious and we will be a lot more careful about how we use the data. For the moment, I ask questions to some of the vendors that we use their processors for us, I ask them, "Could you maybe limit your data retention period?" And certainly, when they are American companies, they say, "Where is it written in the law?" You're like, "Well, it's not a legislation, so it's not written in the law, but I would like you to limit it to 13 months, 18 months, just not keeping data forever." Yeah.

Melinda Byerley: Right. Somewhere between one year and forever.



- Aurélie Pols: Yes, yes. Let's maybe dump some data from time to time. That might be a good idea for data quality as well. And so, depending on the vendor, either I get, "No, we can't do that," or, "We'll put it in our next release," or, "Yes, you can choose between this, and this, and that." And so, well, I'm stuck with vendors I have to use, but clearly, it's part of the recommendations for the reviews in the next six months to say, "Me, as a DPO, I wouldn't keep that vendor because they're not going in the right direction related to managing data in an accountable way."
- Aurélie Pols: On the other hand, it's up to the vendor to decide. I mean, we're not, we're not a huge company, but we are trying to do the right thing. And then it's about those discussions internally to say, "Well, do we keep that type of tool that we're using, yes or no?" It took me about a year to get Google Analytics out of the website. It wasn't easy. So, it didn't take discussions that you have between what is acceptable in terms of risk. What are the consequences on my business model and do I take the risk or not? And what are the recommendations?
- Melinda Byerley: So, you removed Google Analytics from the site?
- Aurélie Pols: Yup. Yup.
- Melinda Byerley: And how do you track your marketing now? The marketing analytics nerd in me is now very curious.
- Aurélie Pols: Oh, we replaced it with Piwik PRO for the moment because we wanted to assure consent and where we basically also struck a deal with the CMO. This is where, as Jim would say, you have a conversation.
- Melinda Byerley: Yeah.
- Aurélie Pols: Where I wanted consent on a global level and we decided that we would ask consent globally except for US and Canada. Which also was a feature that did not exist within the tool that we were using. So, basically, we work together with the tool to make sure that they could abide by our requests or we would move to something else.
- Melinda Byerley: That's helpful. Thank you. So, you also mentioned, it's funny that you brought up Britain and Brexit because when I tagged you prior to the post and said, "What should we talk about," you brought up this lovely

article, which I read this morning, about the cost of marketing Brexit to Europe and how it's going to...Expect it to be the largest marketing effort in England since World War II. And I thought I'd love to hear your perspective on that. I think what you're saying is marketers have an obligation to support or not support with their time and talent things that they value. Is that where you're going with that or is there another angle?

Aurélie Pols: I didn't put an angle and there's a reason why I didn't put an angle because the budgets of that is a hundred million pound.

Melinda Byerley: Unbelievable.

Aurélie Pols: Yes. And so-

Melinda Byerley: Of course, all the ad agencies in Britain now are salivating. But yes.

Aurélie Pols: Yeah. So, when you see that and you're like ... so, as I mentioned in my comment, I walked away from certain contracts in the past and I still will. But you take into consideration the trust you have with your network, your image, your long-term image, the risk, but also the money you leave on the table. And so, it was more of a teaser also, for you to say, "What would you do? Would you pitch or would you walk away?" And to be honest, I'm not sure. A hundred million, you know?

Melinda Byerley: It's a lot of money, but on the other hand, if it's happening, someone's going to do it, yeah, I mean, I don't know the answer. It's good that we're going to have the discussion. I mean, there are certain things I would not market, personally. I would not market tobacco, is my favorite example. It's not something I would feel comfortable marketing at this point in my life. But this one I would say to myself, it's like as much as Brexit is weird and scary, it's happening. But then you're right, at some point, when do you become, IBM who supported Hitler, right, who basically did the tabulating in the camps? At what point ... have we crossed that line? Do you think we're there on Brexit or are you asking me?

Aurélie Pols: No, I think it's a question everybody should ask themselves and hopefully have the freedom to be able to position themselves and to say, "I choose." The next question I was wondering also, imagine you

work for the agency that won that pitch and you don't agree with it. What do you do?

Melinda Byerley: It's funny that you say that. I recently got a private message from a young person working at an agency and the agency was being tasked to promote a film that she felt was very racist. The film is now out and she finally sent it to me and said, "This was the thing." And I said to her, I said, "Ultimately, you have to live with yourself. You have to look in the mirror." We have people on our team that were uncomfortable with promoting Cindy Gallop's post on MakeLoveNotPorn because they were uncomfortable with the idea of people having sex on the internet and they raised it in our firm. So, my firm runs like...we talk to people. We don't insist that they work on something that violates their comfort level because one, I don't think you can be a great marketer if you don't love what you're doing.

Aurélie Pols: Absolutely.

Melinda Byerley: If you don't wholeheartedly believe in it, how can you be creative and excited about it? So, to me, there's a practical answer. The agency owners though, as an owner now, I can totally see why some of them would be like, "I don't care, this is a lot of money, do this or we have to lay five people off."

Aurélie Pols: Yes, absolutely. So, it's a privileged situation to be able to walk away and say, "I don't need that money." And I think partially, there's a reflection around privacy that is a bit the same or there has been discussions about this that privacy might be for the rich or that certainly, if you look at the two mobile phones we have on the market, either you buy Android-driven something or you have more privacy if you buy an iPhone. It's a general idea. Whether it's true or not, that's another-

Melinda Byerley: Right. Theoretically.

Aurélie Pols: Yes, theoretically. So, this idea that basically, once you have your pyramid of needs fulfilled, privacy comes on top and it's an after-thought and it's nice to have. The problem is, I think, it's not the right way to think about it because, you mentioned it also, IBM and the Holocaust, Facebook in Myanmar. For example, I have a lot of friends who worked for not-for-profit companies, NGOs, who would like to

use data from Facebook, from Google to help them support populations who are in danger. But because of the lack of documentation, accountability, limitation of data processing, they also have a risk of putting these people further in danger by the use of the data. And so, I don't think that this idea of all privacy is something for the rich and we'll do that afterward is a correct way of thinking about it.

Aurélie Pols: But if we think, for example, about this ethical perspective, well, we also see for certainly American companies is that certain of the companies are talking about ethics or social corporate responsibility while they are basically not even in compliance with even US legislation when it comes to privacy. And so, we're mixing different things together. We're creating, I think ... how should I say? Ideas that are not totally correct and where we should do an effort in better grounding what the issues are, defining what the issues are to be able to actually answer the potential problems that might come in the future.

Aurélie Pols: And this is where I think the use of this term "privacy," certainly in the United States, is dangerous. What are we trying to do when we pass certain types of legislation or trying to rebalance the powers between, well, basically the companies and the individuals and making sure that they can live their lives according to their own choices? Is the current beta ecosystem, and certainly in digital, reinforcing that or on the contrary, are we going, taking paths that might not be in the best interest of your children, my children, my mother, my mother-in-law, and things like that, are questions that we need to ask ourselves.

Aurélie Pols: And so, this is where it's interesting where you see the California Privacy Protection Act suddenly talking nuts about the fact that you are an American because that's what often privacy legislation is about in the United States. You are American, thus you have more rights. But it talks about residency, just like the GDPR. If you choose to reside in Europe or in California, those legislations apply to you. So, it's about being part of a community, and choosing rights and values that are part of that community, and then allowing you to exercise these rights one way or another, because California also takes over this idea of being allowed to access your data, to get your data deleted, and things like that, and even portability is an interesting aspect under the California Consumer Act.

Melinda Byerley: I think I've tracked this before, talked about it, but this shift in Silicon Valley just in the 20 years that I have been here--from it was mildly libertarian when I got here, more of like it's okay for everybody to smoke pot and everybody takes care of themselves to this like almost religious libertarianism and that all legislation is bad. And I think that is affecting the way decisions are getting made in Silicon Valley and it worries me greatly. I'm probably more of a moderate. I was never closer to the European model. I am more of a capitalist, if you will, but I also am a person who lives in a society and practically, we need laws to protect us and to protect the commons, to make it easier for, as we used to say, the good actors in economics, to reduce the incidents of bad actors so that good actors can thrive. They're just guard rails and it seems like there is a very large push to take the guard rails off and it's the opposite in Europe. It strikes me as another trend. I'm amazed that this legislation was passed in this climate, to be frank.

Aurélie Pols: Yeah. I think it's also part of growing up. When you think about Silicon Valley, what you basically described as an adolescent, my kids are not there yet, but I can totally imagine that they will be very self-centered, and individualistic, and do whatever they feel like. Until they grow up and realize that they are part of a community where we share values and it's interesting because you talk of the commons and it's really that. That is the discussion that is taking place today.

Aurélie Pols: When I was part of the ethics advisory group of the EDPS with a bunch of philosophers and also somebody called Jaron Lanier out of the US, this discussion about the tragedy of the commons came up a lot. And this is also something that we're seeing, for example, come up with the uses of Waze. It's always great. Waze is a wonderful tool and it was great when it wasn't used by too many people because it didn't have so much consequences. The thing is, today, Waze, by diverting the traffic towards secondary roads, has consequences on the infrastructure that is basically negative.

Melinda Byerley: Correct.

Aurélie Pols: That might be positive for the individual using Waze because the commute time is shorter or whatever. But the person that lives in that quiet neighborhood where suddenly you see trucks go by is not exactly happy.



Melinda Byerley: Or maintenance too on the roads. I mean, those roads are not designed for the traffic that they're receiving and so they're going to require more maintenance.

Aurélie Pols: Yes. Yes. And so, the question then is when you think, for example, about Waze and in this collaborative community perspective, you can't help but, at least from my European perspective, I'm like, "Wouldn't it be good if Waze shared data with the town whereas this is going to pass by or maybe "can't we do better and try to do this together and not just this individualistic optimization path we're all on," because that is not going to bring us towards more happiness or a better society. I don't believe that. I think it might be interesting to think broader than just this idea of optimization of profits for companies where obviously fiduciary obligations in the United States are very heavy compared to the European companies as well.

Aurélie Pols: But say okay, we can do so many great things with technology. Let's try to use the data also to show that we can be compliant with privacy legislation, that we could show that we are ethical companies. And this is where a new rethinking, a new reboot is required because we have to go beyond that individual limits of just the customers or just the company. And with the power of big data, all the communications that we've created, how the data can flow, we can create quick things. Now, the question is where is our objective exactly? Is our objective just for us or the shareholders or do we want to broaden that scope and actually work together? And I think this is possible. We can do better.

Aurélie Pols: And this is also something that I'm looking at certainly at mParticle is to surface data to help our clients be accountable and open GDPR was like a first of these projects, but we have more in our drawers to say, "Okay, Mr. Customer, Mrs. Customer, you need these kinds of information to prove that you're doing the right thing." "Sure. We have that in our log files. We just have to surface it one way or another and package it for you." But it's not just for the digital tools teams or the growth teams or the mobile teams, but also for the DPOs, the chief privacy officers, and things like that. So, being more inclusive is basically, I think, what this is going to be about for the next couple of years.



- Melinda Byerley: That's certainly helpful and optimistic. I hope that this is where we're going to go. I guess I'd love to ask you, it sounds like mParticle is doing it right, but one of the things we do in Silicon Valley is people say, "Who's doing it right?" Who do you think is doing it right? Who should marketers and companies look at today, in August of 2019? Who do you see is starting to implement things in a way that you think is friendly to consumers and respects the law and, hopefully, is also balancing that fiduciary duty to be responsible to shareholders?
- Aurélie Pols: Oh, that's the billion dollar question. And you know, if I say a name and they have a huge data breach in 48 hours, I'll look very silly, so I try not to. The thing is also between what you see from the surface and once you start scratching a bit-
- Melinda Byerley: Isn't that the truth?
- Aurélie Pols: Yeah, it's very difficult to really say, "Okay, this is good enough or this is not good enough." I think it's possibly not about those who get it right. I think it's those that don't consider this just to be a tick box exercise but really something that drives also their values. And customers or clients that look at beyond the next quarter results are probably the ones that are going in the right direction.
- Melinda Byerley: So there's good news and bad news, as we say. The good news is there's an opportunity to get better. The bad news is it's going to take some work.
- Aurélie Pols: Oh, absolutely. But it's also a good news. It's fun. It's interesting. It's challenging. It makes your brain cells work instead of just looking at what the biggest vendor tells you you should do in terms of implementations.
- Melinda Byerley: I tell marketers I'm excited. I think any ethical marketer should be totally excited for this conversation because in the end, it really is about building experiences that serve customers better. And some of the ad tech trends over the last 10, 15 years one, have put classic marketers in a very difficult position because we've had to fight against some of these, in some cases, unethical ways of marketing. And I'm hoping, I'm optimistic that we're heading into another golden age for people who care about customers.



Aurélie Pols: Yeah. I also hope that success will be measured in a longer term.

Melinda Byerley: Yes.

Aurélie Pols: I think that's very important to make sure that the way your teams are being rewarded internally is being questioned. Does that KPI about having as many subscribers to your newsletter and it has to grow by 10% every whatever? Does that make sense? I don't think so. So, I think we have to ... initially, certainly 15 years ago when we started with Google Analytics and we're talking with Avinash Kaushik and things like that about how to define your KPIs, I think it's time to revise your KPIs, your internal KPIs. How do you push your teams to do their best that are not hindered by potentially KPIs that might be good for them but not for your company? And I think one of the most important parts of trying to be as compliant as possible with privacy legislation is actually HR. They should see and take a look at what pushes the teams to act as they do. And does it make sense for the company as a whole? Do we work altogether? Do we go in the same direction?

Melinda Byerley: So, I'd like to ask our guests as we near the end of our time together. It's almost like you saw my outline, sort of fabulous. But this one I wanted to ask you. So, when you and I were talking about like what can HR do? What can marketers do? What can executives do? If someone's a young marketer, a junior marketer, and they have less power, what should they be thinking about and how can they support this change? What should they understand and know?

Aurélie Pols: I think they should really think about ... maybe the easy one is to say what would creep people out? What is the line, the red line I do not want to cross? And stay within those boundaries. And then from a compliance perspective is how do I manage my own risk? How do I hedge for risk? We get more and more subject access requests of clients or ourselves. It shows us that we have to start these conversations with the people that we are, as you said, marketing targeting, which is also a very strange way of using certain words. But it's really about that and I think it's about the long-term nurturing.

Aurélie Pols: Many years ago, we built a content management system linked to our newsletter system. And I could see every time somebody clicks on a certain link on the page, I knew who that was. And I built my contents

depending on the personas, depending on who I was targeting and things like that. And so, I casually sent emails to say, "Hey, do you want to have a conversation about this or that?" And I would typically wait for 48 hours because I knew the tools I was sitting on were extremely simple but also extremely powerful and could creep people out.

Aurélie Pols: And so, the thing is, when you're talking to, for example, privacy professionals, they will be creeped out a lot more than if you talk to mobile experts. So, already understanding your audience, your personas, is very important and then making sure that the tools that you use are flexible enough to allow you to be compliant. And that's one of the big problems today, certainly with marketing, is that a lot of the tools do not have the right functionalities. They do not have the sufficient granularity to assure that the rights of the individuals are respected. So, it will be interesting to see what happens when the California Act also kicks in, because if people start complaining, a lot of companies can actually get into trouble because of the tools that they use.

Melinda Byerley: Yeah. And it's probably fair to say that just because you're using Google doesn't mean you'll be safe.

Aurélie Pols: Yeah, absolutely. Google will be safe. That's not a problem. They have everything they need in order to make sure that they have hedged for their risks from Venus to Mars. No problem. But it's you, as a small company, using their tools that might actually get into trouble and you need to understand that.

Melinda Byerley: Aurélie, where can people find you if they want to talk to you more or see more about what you have to say about these important subjects?

Aurélie Pols: Well, typically, LinkedIn. I'm not very complicated to find. I get more and more requests on LinkedIn. I still don't understand why, but I'm absolutely open to that. Just explain to me what you need and why we should connect or else I send an email back saying, "why should we connect. Do I know you?"

Melinda Byerley: Good best practice.



- Aur lie Pols: Well, it makes it easier to see a what kind of discussions we want to have. And Twitter. I also get more and more questions through DMs or things like that on Twitter. So, these are the open tools that I use for the moment.
- Melinda Byerley: And we will provide links to the resources and the articles you've mentioned in the show notes. So, folks don't feel like you have to write everything down. We'll have it for you.
- Melinda Byerley: Aur lie, I hope you'll come back because I have a feeling in a year, there's going to be more to talk about and this is living history as it's being made. It's happening right in front of us and we want to keep a record of it. So, I hope you'll come back and speak with us again as this subject ... as it evolves.
- Aur lie Pols: Well, let's have our conversation about the next state and where Silicon Valley goes after adolescence, if it grows up, and see how also these challenges that are in front of us and where there is an opportunity to compete, I think, on privacy and data protection, where this can bring certain companies, and if we can then start picking up champions, that would be good.
- Melinda Byerley: I would like that very much. Thanks again.
- Aur lie Pols: Thank you very much, Melinda. Have a nice day.
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