

# Is Your Website Compliant With the New Data Privacy Laws?

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# 1. Introduction

Information security guidelines and data privacy regulations have been expanding in various districts, states, and nations around the world; the latest regulation being California Consumer Privacy Act (CCPA), which was officially enforced on July 1, 2020.

The regulations are primarily drafted to provide transparency and protect privacy of the consumer's information. Users ought to be provided with a wide array of privacy choices – the degree to which their personal data are collected and shared, which is reflected in accordance with General Data Protection Regulation (GDPR), CCPA, etc. This is primarily due to a brand's website which can host hundreds of cookies (small text files to improve users' website experience) that indirectly can allow malwares to feed on

users' data without their consent or knowledge resulting in data leakage and privacy concerns.

Data leakage and privacy concerns demand the need for marketers to evolve advertising accordingly to seek solutions that meet the consent and protect privacy of the digital users. It is imperative for highly regulated industries like pharmaceutical industry to work within these strict boundaries in the constantly changing website ecosystem, the consequence of which can cause irreparable damage and loss of customer trust if there occurs a serious data leakage. This article talks about how cookie consent management solutions meet the CCPA, GDPR, and other similar data privacy regulations requirements through which the websites can enable users with informed decision-making ability, and hence a greater customer experience.

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## 1.1. Current Ecosystem

The approach of most pharmaceutical brand websites to protect the user's personal information is quite overlooked. In today's scenario, privacy laws and policies are legal guidelines that don't translate into IT components or models. A surge in the number of warning letters for failure of data integrity and revocation of marketing authorizations give a clear indication that there exists a void for pharmaceuticals to exercise auditing, compliance, and enforcement of policies, or simply put, to understand what the user agrees to.

The goal of this article is to simplify consent for these enterprises and provide end users with more control over how

and when data are used. The first level is collecting information/consent on the website itself through a cookie consent management platform that integrates with the website and associated systems internally.

With fines of up to 4% of global annual revenue, it's important for the Pharma companies to make their website compliant.

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## 2. Challenges with the Current Ecosystem

When a user enters the website without being asked for any consent, other companies in the advertising ecosystem receive the user's personal data through third-party cookies set on the user's device. These companies, usually known as

'AdTech' vendors, make use of the website visitor's data to process and personalize the marketing efforts and campaigns.

However, such processes come with the following challenges:



### Data Leakage

Valuable customer data, including personally identifiable information (PII) can be captured through third-party cookies without the user's consent.



### Lack of Control and Transparency Over Partners

The current process is rigid and requires a lot of third-party vendor involvement, wherein the publisher – the website owner – has little to no control over who is allowed to receive the data and what information is processed downstream to the advertising ecosystem. It is also impossible to deduce the nature of information extracted from the users.



### Lack of Scalability

Privacy laws and policies are legal guidelines that do not translate into IT components or models. No automatic auditing or enforcement of policies exists to get an understanding on user requirements and what the user agrees to disclose.



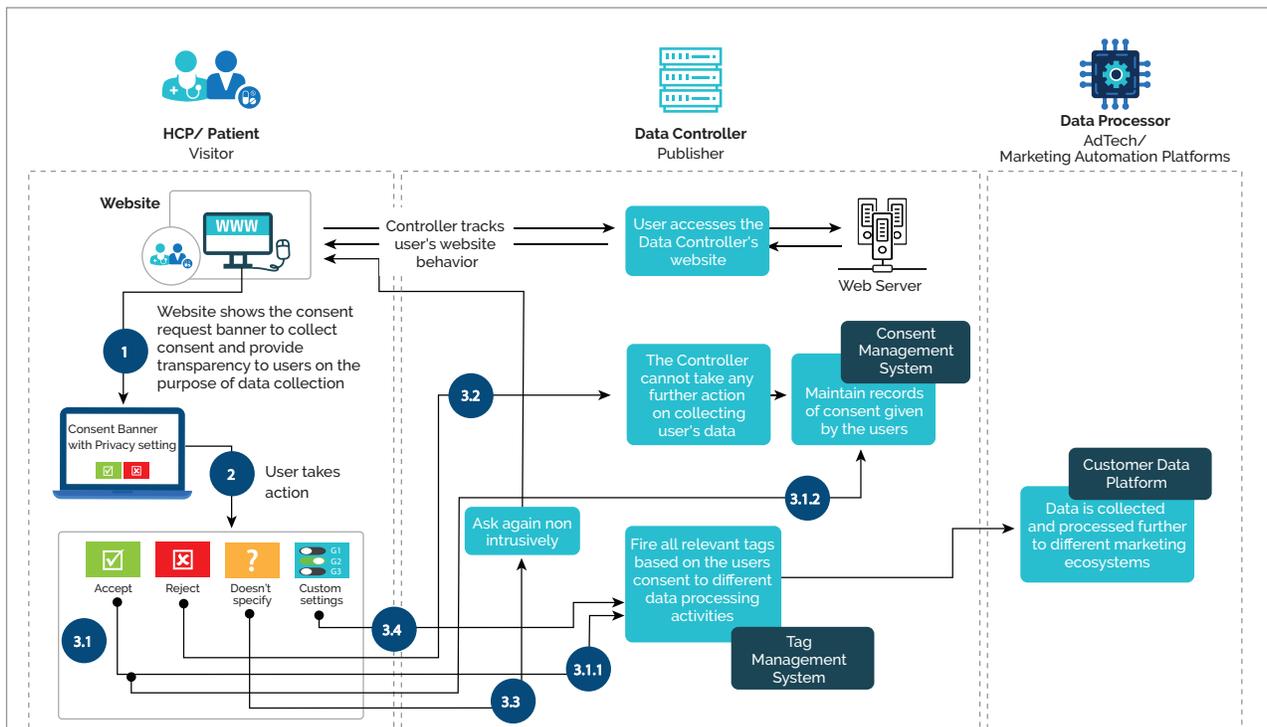
### No Agility With Changing Regulations

No compatibility with different versions of data privacy regulations. Based on different directives, there are some subtle (and not so subtle) differences between these laws which are being updated at regular intervals.

### 3. Proposed Ecosystem

GDPR/CCPA has been exercised for protection of personal data, which includes IP addresses, email addresses, unique user IDs, and everything that can be narrowed down to a user's profile.

To process the data and pass them down to third parties, the data processor needs explicit consent from the user – an active, informed, and willing consent.



**Exhibit 1: Proposed Ecosystem**

**Data subject** is someone whose personal data is being collected. In this case, it is the website visitors that may be HCP's or patients.

**Publishers** are the website owners, in this case, the pharma companies. Publishers, directly and indirectly, collect a set of information (Both PII and non-PII) to target ads and deliver personalized Ad/content experience to a user on behalf of pharma companies.

**Controller** determines the means and purposes of data collection and data processing. In this case the publisher is the controller as they are responsible for putting right tools and systems in place to collect and process data. Eg. systems like Tag manager, site analytics tools.

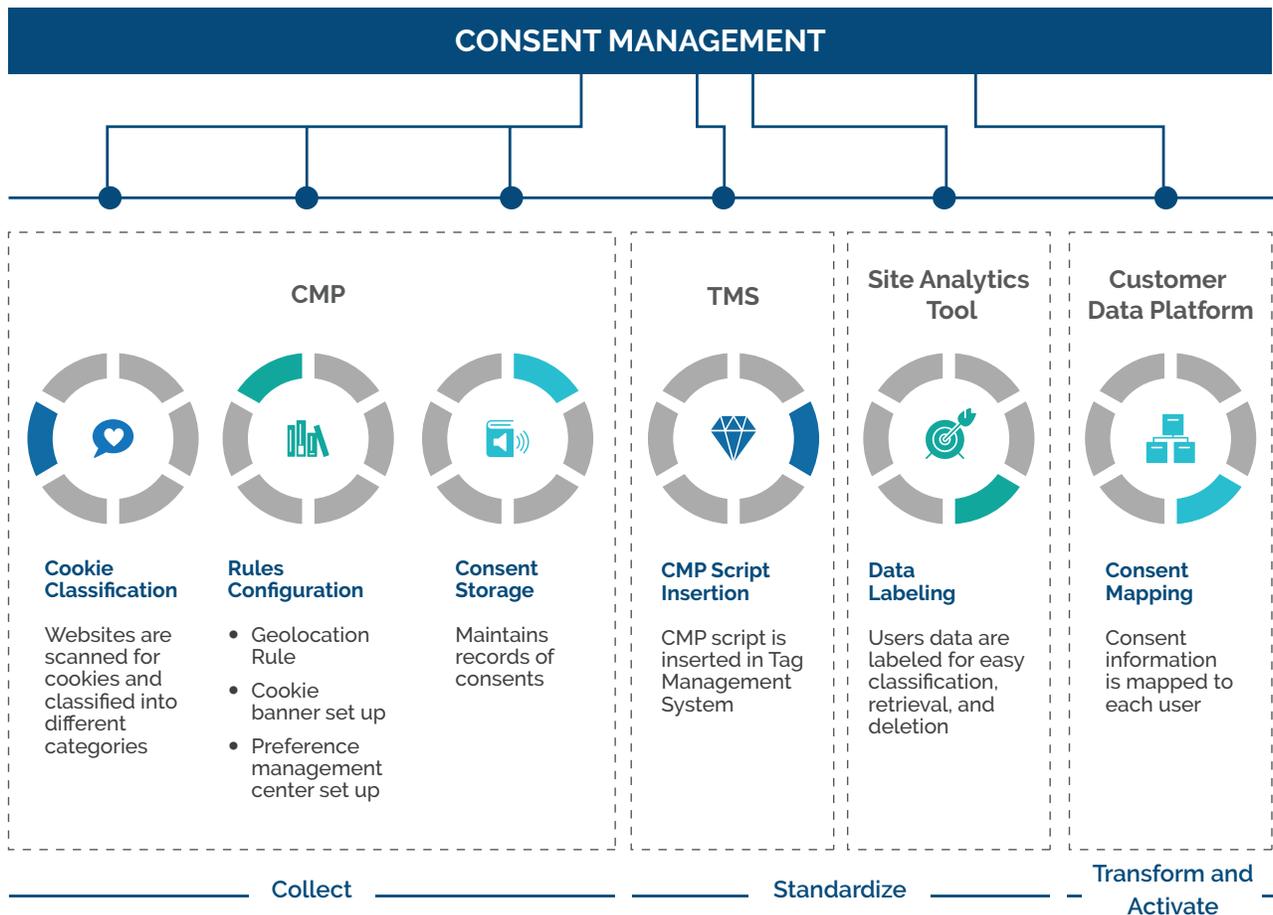
**Processor** is responsible for processing personal data on behalf of the controller. In this case MarTech/AdTech vendors and tools that process data received from the website.

## 4. Cookie Consent Management Solution

Cookie consent management solution helps pharmaceutical partners, including HCPs and patients, to witness enjoyable personalized experience by suggesting products of their preference and assisting in navigation. Used and trusted by thousands of organizations,

and seen by millions of users each day, the solution offers simple and intuitive controls for explicitly granting and revoking consent, and presenting users with clear information on how their behavior is to be tracked.

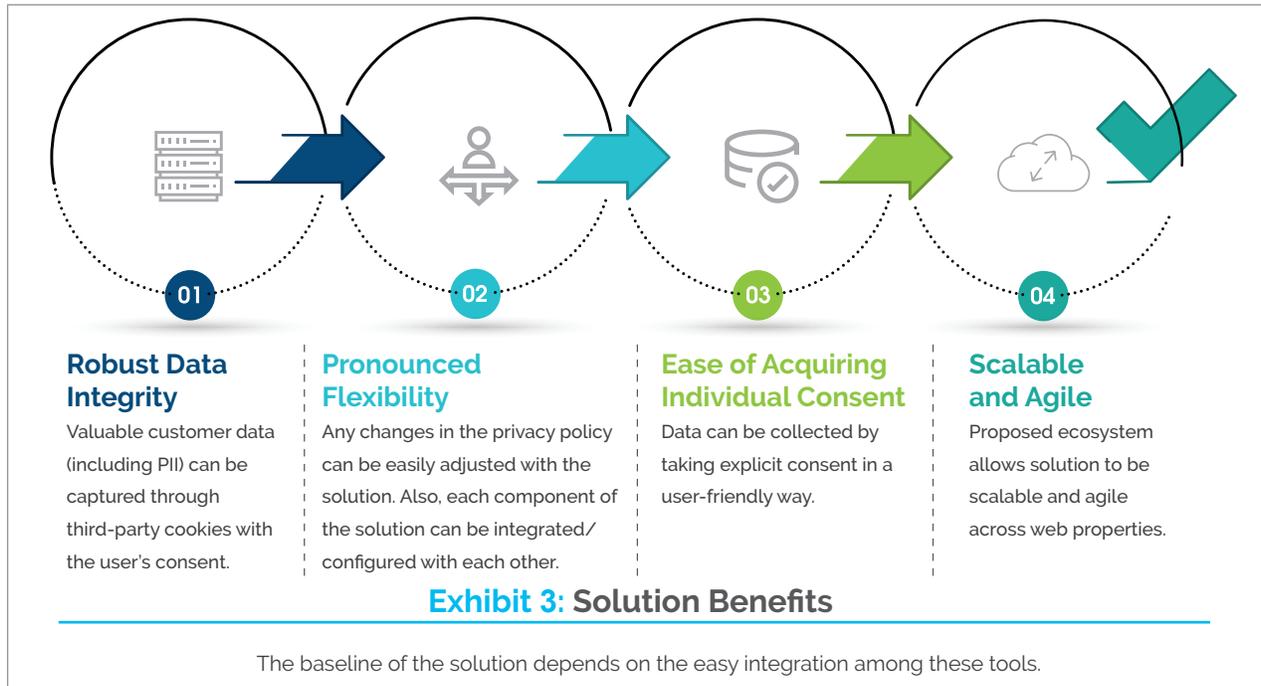
### 4.1 Solution Components



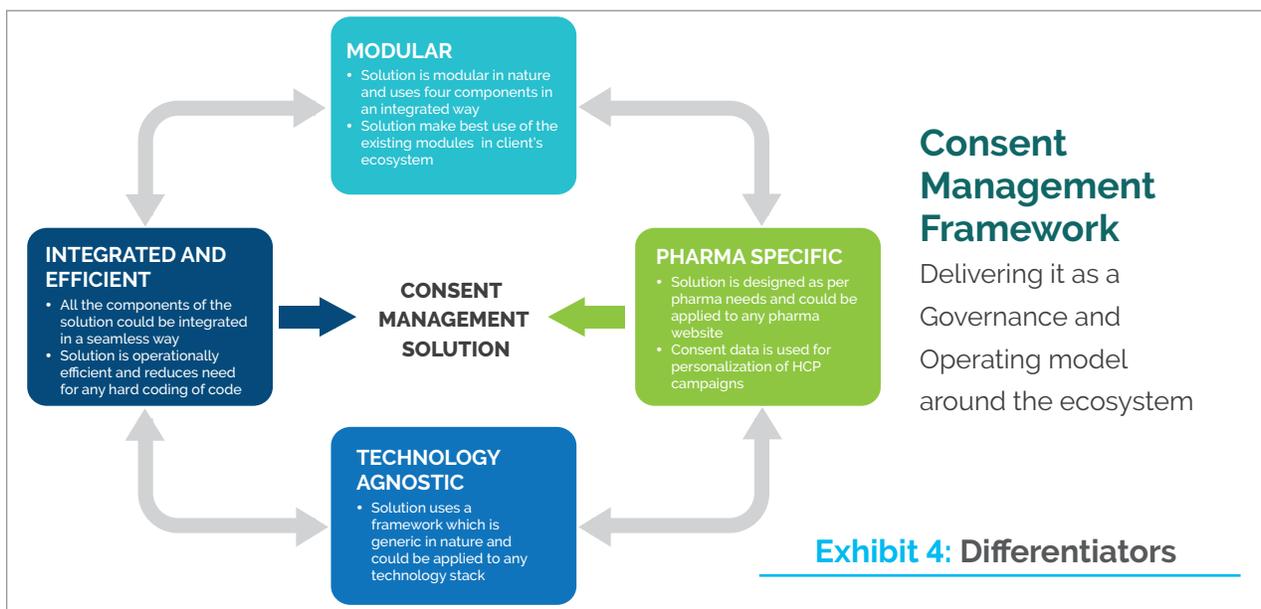
**Exhibit 2: Solution Components**

COMPONENT	BACKGROUND	PURPOSE
<b>Consent Management Platform (CMP)</b>	<p>Consent management platform deals with the control of the user consent on websites regarding the collection and handling of personal information and making the website compliant with the data privacy laws requirements.</p>	<ul style="list-style-type: none"> <li>• Audits websites for first- and third-party cookies</li> <li>• Automatically blocks tags and trackers until consent is given by the user</li> <li>• Helps in modeling consent and linking data in a secure ecosystem to enforce policies</li> <li>• Simplifies consent</li> <li>• Provides more control over how and when data is used</li> </ul>
<b>Tag Management System (TMS)</b>	<p>Tag management system allows website owners to create and manage how analytics, marketing, and support vendor tags are deployed by the websites for data collection.</p>	<ul style="list-style-type: none"> <li>• Data being collected, data being processed and cookies which are set are related together. Tags are the methods through which all the things operate</li> <li>• CMP can be integrated with the Tag manager. Hence, receiving cookie consent becomes the trigger that drops cookies through tags</li> </ul>
<b>Site Analytics Tool</b>	<p>Site analytics tool gives a way of collecting and analyzing what's happening on the website. It basically helps in understanding the visitor's behavior on the website.</p>	<ul style="list-style-type: none"> <li>• Site analytics tool is used for labeling data according to its sensitivity and contractual restrictions</li> <li>• Labels are important and useful for easy classification, retrieval, and deletion</li> </ul>
<b>Customer Data Platform</b>	<p>Customer data platform is a packaged system that centralizes the customer data from all sources and makes the data available for other systems. It collects visitor data, unifies it together to form a single view of the customer across other systems/ channels.</p>	<ul style="list-style-type: none"> <li>• User consent data leveraged with integrations to the customer data platform for visitor profile stitching and Identity resolution for the consented data flow</li> <li>• Consent should be counted in the identity strategies to deliver optimal customer experience</li> </ul>

## 4.2. Solution Benefits



## 5. Consent Management Solution - Differentiators



## 6. Conclusion

Having user consent should be the foundation of a data-driven business model. Consent is the new currency of the future as every user's data has a value. It is an active decision exercised with an informed decision by the user. Results indicate pharmaceutical enterprises which have integrated robust cookie consent management solutions have enabled greater user experience and customer satisfaction.

So, ultimately it is just going to cost some effort and thinking to make the pharmaceutical business a data-driven business of the future.

To ease your decision-making process, below are the widely used CMPs used by major brands:

1. OneTrust 

2. Cookiebot 

3. Evidon 

4. Quantcast 

5. TrustArc 

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## About Indegene's Enterprise Marketing and Customer Experience (EMCE) Solutions

At Indegene, EMCE solutions opens an array of integrated utilities which consolidates content, data analytics, and marketing operations expertise; enables speedy market entry; enhances operational cost efficiency and innovation, thereby retaining potential customers through holistic customer-driven experiences. Over the past 2 decades of experience, Indegene thrives to provide technology-driven actionable insights and facilitates personalization, at scale. Our data-oriented journey, touchpoint design approach, deep marketing automation platform capabilities, with extensive support coverage for SEO, Ad tech, CRM integrations, ensure a coordinated and seamless orchestration for our customers.

## About Indegene

Indegene is a leading provider of Clinical, Commercial, and Marketing solutions to Global pharmaceutical and Health care organizations. We help drive effectiveness and efficiency while bringing Pharma products to market through modern commercial and medical operations by combining deep medical understanding of advanced technology, and flexible engagement models.



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