Viewing-Data Privacy Readiness Checklist

Viewing data — who watched what, when — is the most regulated data a streaming platform collects, reached at once by the US VPPA, the EU's GDPR/ePrivacy, and California's CCPA/CPRA. Build one privacy boundary, then check it against each market you serve. Engineering guidance, not legal advice; confirm VPPA, GDPR, and CCPA/CPRA obligations per territory with counsel.

1 · VPPA — THE PIXEL TRAP (US)

- ☐ **Treat the video page as a restricted zone** — no third-party tag that sees the title + an identifier without VPPA consent.
- ☐ **Get VPPA-grade consent** — informed, written, distinct and separate, in advance, and revocable (2012 amendment).
- ☐ **Price the risk** — $2,500 liquidated damages per person; one bad tag becomes a class action.
- ☐ **Watch the 2026 Supreme Court case** — who is a 'consumer' is unsettled; re-verify before launch.

2 · GDPR / ePRIVACY — CONSENT FIRST (EU)

- ☐ **Tag stays dark until opt-in** — ePrivacy Art 5(3): prior consent before any non-essential cookie / pixel.
- ☐ **Legitimate interest is not enough** — for trackers you need consent, not a balancing test.
- ☐ **Treat viewing as personal data** — GDPR lawful basis; special-category care if it reveals health / belief.
- ☐ **Withdrawal as easy as consent** — granular, per-purpose, logged.

3 · CCPA/CPRA + US STATES — OPT-OUT

- ☐ **Offer 'Do Not Sell or Share'** — 'sharing' = transfer for cross-context behavioral advertising.
- ☐ **Honor the browser signal** — detect and obey Global Privacy Control (GPC) automatically.
- ☐ **Limit sensitive data** — treat viewing-derived inferences (health, sexuality) as sensitive.
- ☐ **Build to the strictest state** — one opt-out flow, not one per state.

4 · THE PRIVACY BOUNDARY (BUILD ONCE)

- ☐ **Consent is a signal, not a banner** — it travels with each viewing event to every consumer of the data.
- ☐ **Gate per purpose** — analytics, personalization, ad targeting are different bases; one yes/no won't do.
- ☐ **Prefer server-side** — SSAI and server measurement leak less viewing data than client pixels.
- ☐ **Wire in data-subject rights** — access, deletion, and GPC opt-out as pipeline operations.

GO-LIVE GATE — BEFORE ANY VIEWING DATA LEAVES THE PAGE

Confirm no third-party tag fires on a page that knows what a user is watching until consent is captured — VPPA-grade in the US, ePrivacy opt-in in the EU — because a single unconsented pixel can become $2,500 per viewer in statutory damages. Confirm the consent state is captured per purpose (analytics, personalization, advertising) and propagates to every downstream consumer of viewing data, so a 'no targeting' choice is enforced in the warehouse, the recommender, and the ad server — not merely recorded by a banner. Confirm a 'Do Not Sell or Share' control exists and that your servers detect and honor the Global Privacy Control signal automatically. Confirm you know which law reaches which flow, and that the fast-moving VPPA case law (the 2026 Supreme Court 'consumer' case and the 2025 pixel-PII rulings) and the EU's 2025–2026 ePrivacy / GDPR reform have been re-verified. This is engineering guidance, not legal advice; confirm VPPA, GDPR, and CCPA/CPRA obligations for each territory with qualified counsel.

Companion to: 'Privacy and Viewing Data: VPPA, GDPR, CCPA'
www.forasoft.com/learn/ott/articles-ott/privacy-viewing-data-vppa-gdpr-ccpa



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This checklist builds one consent boundary for viewing data across VPPA, GDPR and CCPA. We wrote seven volumes on the streaming stack that boundary wraps: Volume 3 covers players, DRM, QoE beacons and ad delivery, Volume 2 packaging and delivery, and Volume 1 encoding.

WHAT YOU WILL FIND INSIDE

- Player beacons and QoE data flows
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