Proskauer

Tracking Technologies: Part 1:

Privacy Regulation, Enforcement and Risk

Cybersecurity Law Report on **January 23, 2024**

Over the past three decades, an expanding set of technologies – cookies, pixels, software development kits and various other types of software – have enabled a vast array of useful and even critical features and functionalities for users online as well as a staggering degree of hyper-personalization of user experiences, content and advertising. The risks, costs and benefits of these tracking technologies have arguably engendered more debate than any other privacy concern and have presented legal, technical and commercial issues of significant complexity.

This first article of a four-part series examines the legal landscape around digital tracking, tracing the journey from the 1990s to the present and looking ahead to where the road may next lead. Part two will take a deep dive into the technology of online tracking and targeting, including a look at how those technologies are evolving to address privacy concerns and compliance requirements. The final installment will review tracking technology governance and offer practical compliance strategies to address the fast-changing rules and ever-increasing risks they present.