User agent requirement to handle exceptions

The questions before the group in this Call for Objections (CfO) was whether to include in the TPE specification a requirement for user agents to implement the API for User-Granted Exceptions. The CfO was set up to solve and close the ISSUE-151: User Agent Requirement: Be able to handle an exception request (https://www.w3.org/2011/tracking-protection/track/issues/151).

The evaluation of the results of this CfO was a particularly hard task for the Co-Chairs. All three options presented by the group received strong objections. Everyone felt very adamant, and there were strong arguments on each side. Ultimately, the group members posed the least substantiated objections to Option A - no change to the current text. Therefore, Option A is determined as group consensus for ISSUE-151.

The Call for Objections was open from January 8, 2014 to January 22, 2014. In total 15 members of the Working Group participated and presented arguments against or in favor of the three options. The full results of the questionnaire are public at https://www.w3.org/2002/09/wbs/49311/tpwg-exception-151/results.

The Options

1. Option A: **no change to editors' draft**

   No change to existing editors' draft text of the User-Granted Exceptions section.

2. Option B: **mark feature as optional**

   Add to beginning of User-Granted Exceptions section:

   This feature is **OPTIONAL** for user agent implementations.

3. Option C: **add a MUST in introduction**

   Add to beginning of User-Granted Exceptions section:

   The goal of this protocol is to provide balance in both the setting of the DNT signal and possible user-granted exceptions to that DNT preference. To be compliant with this specification any software that changes user preference requests **MUST** provide the facility for a server to record granted exceptions utilizing the services described in this section and alter DNT signals for those servers appropriately going forward (DNT: 0).

Explanatory considerations on the choice of definition

The group was asked to decide on the question whether the implementation of the JavaScript API for User-Granted Exceptions (Section 6 of the TPE editor's draft) should be mandatory or optional for user agents.

The decision was based on the substance of the objections against each option. The goal was to identify the option with the least substantiated objections. After evaluating the Working Group's inputs, we determined that Option B and C received more substantial objections and that therefore A is determined as group consensus for ISSUE-151.

Objections against Option B:

The objections against Option B were considerable.

Several participants were concerned that Option B would upset the balance between DNT;1 and DNT;0. Brad Kulick, Shane Wiley, Jack Hobaugh, and Vinay Goel raised this objection. By way of example Vinay Goel wrote: "If a UA doesn't provide consumers with the ability to express trust in brands/websites they know, the DNT mechanism is ignoring a significant use case. Without support of this use case, the standard would be penalizing websites that have strong privacy practices that some brands employ while also ignoring consumers' preferences to get customized content from certain websites. In addition, by not providing exceptions, the standard will unfairly expect websites to recognize a preference to not track, while not allowing that website the opportunity to recognize preferences for that specific website to track. I would suspect one of two things to happen if support for exceptions is not required: 1) very few consumers select the DNT preference because a website they trust tell them the only way to get the customized content they want is to select DNT:0 for all websites; or 2) companies that employ strong privacy practices will have no incentive/reason to employ competitive privacy features because they are effected the same as untrusted companies."

The necessity for the TPE spec to enable publishers and users to enter a dialog was also stated by other participants. In their view Option B would impair this aim.

Brooks Dobbs wrote in his objection: "[W]here we make DNT:0 optional we should appreciate that we are making an implicit statement about the appropriateness of the available options relative to each other. It is not the job of a standards organization to prejudice or presuppose a consumer's preference. User's may very much wish to grant an exception to advertiser data collection rather than pay for content using alternative methods. This is as "valid" a preference as the alternative and must be available as such."

Alan Chapell wrote: "As such, Users need the flexibility to be able to modify their DNT choices - as it seems likely that Users will want to adjust their DNT settings with respect to their favorite websites while keeping DNT in tact for other sites. Given that DNT is persistent is all the more reason for the specification to offer Users with this flexibility.
To enable tools that enact DNT but don't offer the capability for User's to create exceptions to tracking is counter intuitive and circumvents the trusted relationship between websites and Users. The FTC has advocated for DNT to be an expression of "consumers choices" - not the expression of a consumers choice. This working group should follow the Commission's lead in this area."

We consider these concerns substantial. A fully conformant user agent should be to enable the user to make a granular choice in her or his preferences by enabling the publishers to enter a dialog with the user. Option B would not support this emphasis of DNT as a dialog tool but make it only a blunt instrument.

Chris Mejia's statement summarized the importance of a granular choice mechanism: "UGEs work in parallel to the tracking preference indicator (DNT signal), to further enhance a user's expression of choice, and as a necessary balance to the broad sweeping DNT signal which is either "on" or "off". The UGE mechanism provides the user with a more granular control tool; a tool that benefits the user. If a UA is asked to persist a DNT request, it must also be able to persist user exceptions to that signal-- otherwise this entire protocol is simply not workable. Accordingly, signals from UAs that do not offer both mechanisms to a user should be considered invalid (not in compliance with this TPE)."

We agree that user agents should not be able to claim full conformance with the standard if they do not implement the exception mechanism (as they would be able to do if the feature was optional). We emphasis the vocabulary that we talk about conformance of a user agent rather than compliance. We agree that Do Not Track should allow for a dialogue between the user and the publisher, and the exception mechanism may prove to be the most effective way to do that.

Objections against Option C:

Option C also received substantial objections.

Participants raised the concern that this requirement would rule out all users agents that do not use javascript. because of accessibility issues

Walter van Holst wrote: "this requirement does preclude the use of DNT:1 by users that have audiovisual limitations and for that reason must rely on screen readers that are a) tied to legacy UAs and/or UAs that do not support javascript at all and/or b) often require javascript to be turned off to function properly. As such this requirement would undermine the work that is done in W3C accessibility working groups, if not be in violation of the W3C's charter that speaks of a 'web for all'."

Rob van Eijk followed up on that: "Making it a MUST requirement would disqualify a lot of the special group UA's and exclude these users from benefiting the DNT protocol. Walter has raised this issue on the list and the call."

We asked the W3C's WAI group about the expressed accessibility concerns. The group indicated that modern screen reader technology does function with javascript, and therefore did not substantiate an objection on that basis.

While we expect from a fully conformant user agent to implement the complete specification, labeling a specific conformance section arbitrarily as a "MUST" would consequently render the rest of the spec less than "MUST". This risk was raised by Adrian Bateman and Sid Stamm:

Adrian Bateman wrote: "I object to adding text to the spec that implies you only have to do something if the spec says "we really mean this part". If you want to be compliant with the full spec and say you are compliant with the full spec then you have to implement the full spec. Adding a clause to a spec that says "To be compliant with this specification..." doesn't change anything. Either you do something or you don't.
In this specific case, we actually allow browsers to choose to prompt users to confirm the exception before storage. This means we allow the user to make the browser not store the exception and not send a DNT:0. That seems at least somewhat in conflict with this statement."

Sid Stamm wrote: "I object to adding a MUST to this section. As it currently reads, the UGE system is part of the spec, and adding a 'MUST provide this' is redundant. This additional text explains how to technically comply with the spec, when technical compliance means 'follows the rules defined here.' So this new language redundant and clutters up the document.
Regardless of how the spec reads, it is the implementers' responsibility to handle partial or technically incomplete implementations of any spec (on either end) and decide how to handle them. The current editor's draft does not state UGE support is optional, so should be considered part of the 'feature.'"

We agree with this concern that emphasizing part of the specification with a MUST could impair the conformance character of the rest of the specification. It seems unnecessary to underline one requirement if we see the TPE as a set of technical mechanisms that all need to be implemented in order to claim conformance with specification.

David Singer raised a technical objection against Option C: "There is no functional difference between these three user-agents, from the site's point of view:
a) A UA that implements exceptions, but Javscript (JS) is disabled
b) A UA That implements exceptions, but the user has told it "I never grant exceptions, so always say no and never ask me"
c) A UA that does not implement exceptions.
In all three cases, the site does not get the exception that they need. They are required to determine user-consent, so the user is already in dialog."

The chairs agree that there is no technical link between the sending of the DNT header and the javascript exception mechanism. One does not need the other to technically operate. For the site, it is not feasible to determine whether they receive a signal from a non-conformant user agent or a user-agent that the user has already configured according to his or her preferences (not granting exceptions, or disabling javascript).

We thought this objection most decisive. While we expect from a fully conformant user agent to follow the specification, if there is no technical feasibility for the server side to determine whether a MUST requirement is honored by the user agent, they server should not be able to label a user agent non-compliant.

Non-javascript user agents may decide to partially implement the standard and send a DNT signal on behalf of their users but not have the capability to implement the exception mechanism. As David Singer notes, there is no technical link between the sending of the DNT header and the javascript exception mechanism. "This is a technical specification and mandates should be justified by a need for correct protocol operation; that if a mandate is not followed, some protocol operation fails. No such protocol behavior exists or is mentioned in the justification."

Servers that do not wish to honor DNT:1 signals from UAs that have not fully implemented the TPE (including the exception mechanism) may decide not to (e.g. by sending a disregards signal) — indeed, this is the case today for some working group members, who do not believe that Microsoft's initial implementation of DNT is conformant to the user agent requirements in TPE or TCS. However, as David Singer notes, servers are unable to tell the difference between non-conformant UAs, conformant UAs where a user has turned off JS, or conformant UAs, where a user has configured the UA to always say "no" to exception requests. That will be the case either with our without the MUST language.

Bryan Sullivan raised an additional objection that this MUST requirement would rule out users that disabled javascript for privacy or security reasons: "I object to this proposal. DNT much be

supportable for UAs that have no JavaScript support, or are configured to disable JavaScript by the user."

We agree that these users should still be able to send a valid DNT signal. Whether the site could disregard such a signal and still claim compliance should be left to the accompanying compliance specification the site has implemented.

We conclude that Option C would face substantial technical difficulties while not adding any more clarity to the specification. Adding a MUST in section purely on the notion of balance seems unnecessary. The reference to balance was further criticized by John Simpson and David Singer.

Objections against Option A:

Option A - no change - also received several objections from the participants, although for contradictory reasons. The participants objected Option A with the argument that no explicit text is effectively the same as OPTIONAL as well as with the argument that it is effectively the same as MUST.

The participants objecting Option A because they considered it the same as Option B ("OPTIONAL") were Bryan Sullivan, Brad Kulick, Shane Wiley, Alan Chapell, Chris Mejia, and Vinay Goel, Jack Hobaugh.

Walter van Holst objected because he thought Option A is effectively the same as Option C.

These answers emphasized that it was not Option A itself that was objectionable but the lack of clarity to participants what Option A would mean. John Simpson, Brooks Dobbs, Alan Chapell, and Jack Hobaugh pointed to this need for clarity in the specification.

Exemplary, Alan Chapell wrote: "The current editor's draft is not sufficiently clear - as evidenced by the myriad of interpretations cited on the mailing list."

We agree that the specification should be clear and comprehensible to implementers. We think it may be due to many participants being not familiar with the work on recommendations and other standards that this uncertainty arose. All parts of a specification — if technically implementable for the stakeholder — should be followed in order to claim conformance with a recommendation. If the implementer does not include all parts of the specification, this may be considered partly conformant. The UGE concept and mechanism is part of the TPE specification. As pointed out by Sid Stamm and Adrian Bateman adding a MUST to this section would be redundant at best and maybe even adding further uncertainty about the character of other parts of the specification.

We determined that based on the objections of the participants, Option A is the least objectionable of all three Options. In conclusion, this means that the UGE has to be implemented for full conformance with the spec but without an explicit MUST in the section.

Result

In conclusion, the ISSUE-151: User Agent Requirement: Be able to handle an exception request (https://www.w3.org/2011/tracking-protection/track/issues/151) is hereby closed. Option A — no change to the current text — is determined as the group's decision.