



# Best Practices for Tracking Consumer Website Activity

Website tracking is used to enhance the customer's experience by optimizing websites to user preferences and supporting third party tools like chat platforms or targeted ads.

Cookies, pixels and other tracking technologies are common across virtually all industries and sectors to track customer behavior. But it is important that dealers fully understand these technologies and utilize them in a way that protects consumer privacy. The failure to do so can put you at risk of violating the law.

## What Dealers Should Know About Website Tracking

Dealers should know what tracking is occurring on their websites so customers are informed and the privacy notice is accurate, including:

- Who collects the data.
- What data is collected.
- How the collected data is being used.
- What third parties are receiving the data.

## WEBSITE BANNERS OBTAINING CONSENT

The most common way websites obtain consent for collecting consumer information and informing consumers about what information will be shared with third parties is a pop-up banner where consumers can indicate what information can be collected and shared.

### Banners SHOULD:

- Allow consumers to make a clear, conspicuous, and affirmative choice to opt-in to information collection and/or sharing.
- Allow the choice to opt-in to happen before the collection and/or sharing occurs.
- Provide as much information as you can with consumers about who, what and where their information is going to be shared, and for what purpose or purposes the information is going to be shared.
- Have the privacy policy displayed prominently.
- Allow consumers to manage information collection and disclosure preferences. For example, what information is collected and who it can be shared with.
- Honor consumer requests to not have information shared or tracked. For example, if a consumer opts out of tracking, the website should not continue tracking.

### Banners SHOULD NOT:

- Misrepresent what data will be collected and shared.
- Infer consent from hovering over, muting, pausing, or closing a window.
- Continue tracking consumers who disable tracking technologies.
- Require more information or steps to opt in to tracking than to opting out of tracking.

## RESOURCES

- [New York Attorney General: Website Privacy Controls, A Guide for Businesses](#)
- [IAPP: A Comprehensive Guide to Creating a Sustainable Cookie Program](#)
- [Connecticut Attorney General: Updated Enforcement Report Pursuant to Connecticut Data Privacy Act](#)

## ENFORCEMENT ACTIONS

Federal Trade Commission: Good Rx  
[Complaint](#)  
[Consumer Alert](#)

Federal Trade Commission: BetterHelp  
[Complaint](#)  
[Press Release](#)

Federal Trade Commission: Premom  
[Complaint](#)  
[Consumer Alert](#)

CCPA: American Honda Motor Company  
[CCPA: Healthline](#)

*This document is offered for informational purposes only and is not intended as legal advice. Consult an attorney who is familiar with federal and state law addressing these topics.*

NATIONAL AUTOMOBILE DEALERS ASSOCIATION

8484 WESTPARK DRIVE, SUITE 500, TYSONS, VA 22102 | 800.557.6232 | [nada.org](#)