

1 Introduction

Over the course of its evolution, over-the-air television has continuously enhanced the viewer experience by offering features that allow for certain levels of personalization and interactivity. TV 3.0 aims to combine the high-quality broadcasting of traditional over-the-air television with the advanced possibilities provided by the internet and cutting-edge technologies.

TV 3.0 encompasses the entire content offering and the full experience of browsing, usage, and interactivity, including both linear and non-linear usage environments. It covers all types of content, whether broadcast through traditional transmission channels or not. Within the context of TV 3.0, data processing, including personal data ("Data"), constitutes a fundamental role in personalizing content and advertising, thereby improving the viewer experience. Collecting Data on consumption habits, viewing preferences, and interactions allows for more relevant recommendations and an enhanced service. Furthermore, accurate Data on viewers' interests enables more targeted and effective advertising campaigns, benefiting both viewers and broadcasters. Continuous analysis of this Data also contributes to service optimization, improving the user interface, and introducing new features as necessary.

From its inception, TV 3.0 must comply with all applicable laws, including but not limited to privacy and data protection laws, ensuring that its practices align with technical standards that guarantee security and protection of viewers' personal data. This approach fosters trust among viewers by allowing them to understand which personal data is being processed, providing control over their privacy preferences, and offering additional functionalities.

This guide is therefore intended to detail and reinforce best practices for Data processing, ensuring that only the necessary Data is handled. This guide does not apply to Data processing conducted by any public sector entities or institutions within the context of TV 3.0. If applications owned by government entities, agencies, or institutions are included in the TV 3.0 environment, Data processing related to these applications will be governed by data guidelines issued by the respective entities, agencies, or institutions.

2 Scope

This document establishes guidelines for data usage, user profiles, and privacy within the scope of TV 3.0, defining privacy requirements and data usage practices that align with the goals of personalization and seamless interaction, which characterize TV 3.0.

The rules and guidelines in this document apply to all broadcasters and all TV 3.0 receivers. This document must be taken into account with the TV 3.0 Technical Standards. Therefore, it should be read alongside the following documents:

- ABNT Standards for TV 3.0
- TV 3.0 Operating Guides from the SBTVD Forum
- TV 3.0 Test Suite from the SBTVD Forum

3 Viewer Data

Viewer Data is categorized into three groups: Basic Attributes, Device Attributes, and Broadcaster Attributes. These categories are determined based on access permissions and whether personal data is involved.

Basic Attributes are Data that can be accessed equally by both the receiver manufacturer and broadcasters authorized by the viewer. In compliance with the best privacy and data protection practices, this dataset must not contain personal data (i.e., information that allows the individual identification of a natural person).

Device Attributes are Data managed solely by the receiver manufacturer. The manufacturer is fully responsible for defining, communicating, and managing access to these data, which may or may not contain personal data. Device Attributes fall outside the scope of this document.

Finally, Broadcaster Attributes are Data managed by broadcasters. Broadcasters are entirely responsible for defining, managing access to, and requesting permission for these data, which may or may not include personal data.

A schematic representation of the organization and management of viewer data is presented in Chart 1.

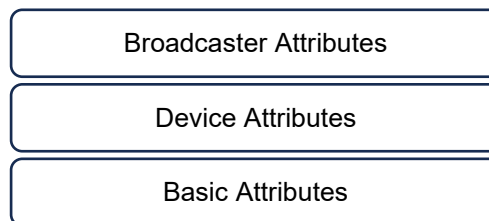


Chart 1 – Schematic representation of the data organization on the receiver

4 Non-Personal Data

4.1 Basic Attributes and Unique Receiver Identification

Basic Attributes refer to TV 3.0 viewer profile data that do not qualify as personal data because they do not allow for individual identification of a natural person. These data are available and manageable within the TV 3.0 application catalog environment and must be stored locally. They will be accessible to receiver manufacturers and broadcasters authorized by the viewer, based on the viewer's interaction with the broadcaster's application. Basic Attributes must remain inaccessible to applications external to the TV 3.0 ecosystem and to any third party that has not been authorized by the broadcaster.

In addition to Basic Attributes, each receiver must also have a unique device identifier. The structure of this data is defined in ABNT NBR 25608.

4.2 Default Values for Basic Attributes

The information that constitutes the Basic Attributes of the viewer profile enables the identification of TV usage preferences and allows distinguishing between multiple profiles using the same device, without the need to collect personal data. Filling in this information is optional for TV 3.0 viewers. Therefore, if viewers do not provide this information, the default values listed in Table 1 should be taken into account.

Table 1 - Default values for the Basic Attributes of the TV 3.0 viewer profile

Basic Attribute of the viewer profile	Default Value
Identifier	Unique identifier for each viewer profile of the same receiver, assigned automatically
Profile Nickname	Unique nickname for each viewer profile of the same receiver, assigned automatically (e.g. "Viewer 1")
Parental Control	Disabled
Closed Caption	Disabled
Sign Language	Disabled
Audio description	Disabled
Dialog Enhancement	Disabled
Voice Guidance	Disabled

4.3 Unique Receiver Identification

It is mandatory to provide a unique receiver identification in compliance with the data structure defined in ABNT NBR 25608. This identification may be used by TV 3.0 applications for authentication, service personalization, and audience measurement, among other purposes.

This identification is globally unique for each receiver and, therefore, cannot be reused or duplicated across different receivers. Additionally, within the same receiver, it retains the same value across different TV 3.0 applications, regardless of the broadcaster.

5 Personal Data

5.1 Compliance with Privacy and Data Protection Laws

All personal data processing within the TV 3.0 environment must be based on applicable privacy and data protection laws. "Processing" refers to any operation carried out with personal data, such as collection, reception, use, access, transmission, processing, storage, erasure, destruction etc. In this context, personal data includes any information related to a viewer that allows for identification, either directly or indirectly. Therefore, applicable privacy and data protection laws will apply whenever broadcasters and manufacturers identify a viewer, either directly or indirectly, and process their data obtained within the TV 3.0 environment.

The viewer, as the data subject, plays an active and fundamental role in controlling their personal data. As a general rule, privacy and data protection laws establish clear limits and provide significant rights to data subjects. For example, the data subject has the right to request access, confirmation, and/or erasure their personal data from broadcasters and manufacturers. A non-exhaustive list of privacy and data protection laws applicable to each jurisdiction where viewer data is processed within the TV 3.0 environment can be found in Annex A of this guide. This list may be reviewed periodically to include or exclude countries as TV 3.0 is adopted.

5.1.1 Data Processing Agents

Privacy and data protection laws generally define the roles of entities involved in personal data processing, referring to them as data processing agents. These agents may be natural or legal persons, whether public or private. Depending on their functions in each personal data processing activity, agents may be classified as: (i) Controllers: entities that have decision-making power over the purposes and essential elements of personal data processing; or (ii) Processors: entities that process personal data according to the Controller's instructions.

Within the TV 3.0 environment, broadcasters and manufacturers must act as data processing agents, either as Controllers or Processors. Given the characteristics of each role, as outlined above, and the natural interest of broadcasters in obtaining personal data generated within the TV 3.0 environment through the consumption of their content, it is presumed that broadcasters will act as Controllers. Therefore, broadcasters are responsible for defining the purposes of personal data processing and ensuring compliance with all applicable privacy and data protection laws.

It is important to emphasize that, regardless of role definitions, all parties involved in the development, implementation, and operation of the TV 3.0 environment, as well as in the processing of personal data related to this activity, must adhere to the principles of good faith and the fundamental requirements established by applicable privacy and data protection laws. These legal principles are essential and mandatory for ensuring the protection of viewers' personal data.

5.1.2 Legal Basis

As a general rule, applicable privacy and data protection laws establish that all data processing must be based on at least one of the legal basis defined by law. In this regard, it is crucial for each broadcaster to justify the processing of personal data under a valid legal basis to protect viewers' fundamental rights and guarantees.

There is no hierarchy among the legal basis established by law, as long as they are appropriately applied according to the specific context of the data processing. This means that the broadcaster, in its role as Controller, has the autonomy to determine the appropriate legal basis, taking into account, among other aspects: (i) the purpose of processing personal data; (ii) the types of personal and sensitive personal data involved and whether their processing is necessary for the intended purpose; (iii) the data subjects affected by the processing activity, including an assessment of whether they are children, adolescents, and/or elderly individuals; (iv) the compatibility of data processing with the purposes disclosed to the viewer; and (v) the applicable regulatory provisions on the subject.

Therefore, the TV 3.0 platform must allow each broadcaster to process viewers' personal data based on the legal basis that best suits the specific processing purpose. The broadcaster must comply with all legal requirements associated with the chosen legal basis to ensure that the processing of viewers' personal data is in accordance with applicable privacy and data protection laws.

For example, if the broadcaster determines that consent is the appropriate legal basis for processing viewers' personal data, it must obtain explicit and active authorization from the viewer for the specified purpose. In this regard, the broadcaster must clearly define the purposes of processing and obtain the viewer's consent through a free, informed, and unambiguous indication of the data subject's wishes. The TV 3.0 platform must provide effective mechanisms for managing consent, such as: a system for logging consent requests; an interface for confirming and revoking consent (opt-in/opt-out); a record of granted authorizations, among others. Additionally, it is essential that this consent can be revoked at any time, at the viewer's request, through an easy and accessible process.

On the other hand, if the broadcaster chooses to rely on legitimate interest as the legal basis for processing viewers' personal data, it must ensure that the processing respects viewers' legitimate expectations as well as their fundamental rights and freedoms. Moreover, the viewer must have the ability to object to the processing based on legitimate interest. This right to object can be implemented, for example, through an opt-out mechanism, which should be offered within the TV 3.0 preference management environment.

Finally, regardless of the legal basis chosen for data processing, it is essential that the TV 3.0 environment ensures full transparency regarding the personal data processing carried out by broadcasters. This can be achieved, for instance, by providing a Privacy Notice to viewers when they interact with the broadcaster's application. Broadcasters must ensure that all data processing is conducted in accordance with the terms of the Privacy Notice.

5.2 Data Collection Within the TV 3.0 Application Catalog

As described in Section 4, Basic Attributes are data structures related to the TV 3.0 viewer profile that do not qualify as personal data. These data are generated and managed within the TV 3.0 environment.

Access to Basic Attributes by broadcaster applications will be via the internet, based on viewer interaction with these applications. Since this data collection by broadcasters takes place over the internet, the collected data may become identifiable, as they will be associated with an IP address. This means that, in this context, when broadcasters collect Basic Attributes, the assignment of an IP address at the time of collection may cause these data to be classified as personal data.

For this reason, broadcasters must process such data in compliance with applicable privacy and data protection laws as outlined in Section 5.1. In this scenario, each broadcaster is responsible for ensuring full transparency to viewers regarding the personal data processing they perform. This must be done through their respective Privacy Notice, which must be presented to the viewer upon interaction with the broadcaster's application. It is essential that all data processing is conducted in accordance with the terms of this Privacy Notice.

5.3 Collection of Broadcaster Attributes

Broadcasters may have an interest in collecting data from the use of their respective applications, and such data may include viewers' personal data. In this case, each broadcaster is responsible for ensuring compliance with applicable legal requirements regarding the processing of viewers' Data. Therefore, broadcasters that wish to collect viewers' personal data must do so exclusively within their own application, in accordance with applicable privacy and data protection laws and the provisions outlined in Section 5.1.

As established in ABNT NBR 25608, each broadcaster will have a private storage area for storing data. Only the broadcaster's application that stored the data in this area may access it. Data stored in this private area must not be accessible to other broadcasters, receiver developers, or the receiver's operating system developers. Receivers must ensure that a TV 3.0 broadcaster application cannot access consumption, browsing, purchase, or any other viewer-specific information that was collected through another broadcaster's application. The private data stored in the broadcaster's TV 3.0 application private area may not be used for any purpose other than by the broadcaster itself.

5.4 Management of Data Collected by Broadcasters

As demonstrated, broadcasters' applications may collect personal data, provided that viewers have the option to manage or modify their preferences at any time within the TV 3.0 application catalog. If a broadcaster's access to a viewer's personal data is discontinued, this must not restrict the viewer's basic experience of watching over-the-air audiovisual content, though it may limit personalized experiences.

Regardless of the legal basis chosen by the broadcaster to justify personal data processing, preference management through the TV 3.0 application catalog must always be available to viewers. This means that if a broadcaster processes viewers' personal data based on consent, its application must provide an interface allowing viewers to exercise their rights in accordance with this legal basis. For example, viewers must be able to select which data processing purposes they authorize. On the other hand, if a broadcaster processes

viewers' personal data based on legitimate interest, its application must provide mechanisms enabling viewers to exercise their right to object to such processing.

Additionally, regardless of the legal basis adopted, broadcasters must ensure that personal data processing is conducted transparently, with clear and easily accessible information regarding the necessity of using personal data and the specific purposes for which it is being processed.

Whenever a viewer modifies their data processing preferences in broadcaster applications, the TV 3.0 environment must update the metadata reflecting these access permissions, ensuring that all broadcaster applications comply with the viewer's choices. Any API access request that conflicts with the viewer's selected preferences must be rejected, returning an error message and preventing unauthorized data access.

5.5 Permission for Data Collection by Manufacturers and Other Applications

It is strictly prohibited for the receiver, any other entity, or any other application to capture, for any purpose, any audio, video, metadata, accessibility features, applications, or Data transmitted by broadcasters, regardless of whether they are received via over-the-air transmission or the internet, without the explicit authorization of the broadcaster.

Additionally, data related to consumer interaction with the presented content and the broadcaster's application—whether through a remote control or second-screen devices—must be exclusively accessible to the broadcaster or an entity authorized by the broadcaster. Similarly, advertising data displayed on the receiver in any format, whether originating from over-the-air transmissions or the internet, must remain exclusively accessible to the broadcaster in accordance with its Privacy Notice. No other entity may access such data without prior and explicit authorization from the broadcaster.

Annex A

Applicable Legislation

(Non-exhaustive list)

1) BRAZIL

- a)** Federal Constitution
- b)** Law No. 8,078/1990 (Consumer Protection Code)
- c)** Law No. 10,406/2002 (Civil Code)
- d)** Law No. 12,965/2014 (Internet Civil Rights Framework – Marco Civil da Internet)
- e)** Decree No. 8,771/2016
- f)** Law No. 13,709/2018 (General Data Protection Law – LGPD)