



Selling and Sharing: Privacy Rules You Can't Ignore

Navigate laws, protect rights, and earn trust through transparent data practices.



Data management and accountability

Selling and sharing personal information impacts more than data management — it affects accountability, transparency, and even a brand's trustworthiness.

There are laws, such as the CCPA, that explicitly define the terms "selling" and "sharing" of personal information. However, these legal definitions may not always align with the "traditional" definition of what we understand as "selling."



Know your jurisdictions

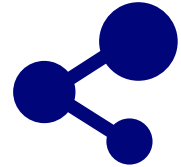
- ✓ Where do you process personal info?
- ✓ Does your activity meet applicable regulation thresholds?
- ✓ Are you engaged in cross-context behavioral advertising?
- ✓ Do you collect sensitive personal info?

Definitions matter

Depending on the laws, selling and sharing include the following:



Selling includes transfer, disclosure, making available of personal information to a third party for "monetary or other valuable consideration"



Sharing includes disclosing, making available, transferring of personal information to a third party for cross-context behavioral ads, whether or not for monetary or other valuable consideration

Tip: Some laws, such as the GDPR, implicitly cover concepts of selling and sharing under the definition of data processing.

Accountability and data governance



Know where the data flows and demonstrate data governance.

Ask Yourself:

- What categories of personal information do we collect and why?
- Who receives it?
- Is the data use necessary to achieve the organizational goals?
- Are we using it for cross-context behavioral targeting?
- Would this count as "selling" or "sharing" under any law that is applicable to our organization?

Disclosing personal information to service providers for business purposes may not trigger additional requirements.

Ensure transparency and provide choice mechanisms

- ✓ Ensure that notice is provided at collection, when required by the law
- ✓ Add "Do Not Sell or Share" links on homepage/footer.
- ✓ Review notices every 12 months.
- ✓ Review regulatory best practices.



Regulatory enforcement actions have been increasingly focusing on the aspects of transparency. It's important to get it right.

Build privacy into the workflow

Turn policy into practice with tools and training.

Must-haves:



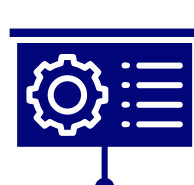
Ensure your internal procedures operationalize what you publicly state in your notice.



Opt-out technical implementation that avoids dark patterns.



Limit personal information collected during opt-outs to what is required by the applicable laws.



Staff trained to handle privacy rights requests.

Build trust with every choice your customers make.

TrustArc Privacy Studio helps you deliver transparent, privacy-first experiences. Orchestrate consents, manage preferences, and give users meaningful choices without friction.



REQUEST A DEMO

Want more privacy power moves? [Explore the full Privacy PowerUp Series](#) for infographics, articles, and videos that put you in control.