

CMA Appoints Monitoring Trustee to supervise commitments in relation to Google's 'Privacy Sandbox' browser changes

On 11 February 2022, the CMA published its final [decision to accept commitments](#) from Google in relation to its proposals to remove third party cookies on Chrome and develop its Privacy Sandbox tools.

As part of these commitments, Google committed to implement the Privacy Sandbox in a way that does not distort competition, which includes:

- Not to use relevant data in specified ways (paragraphs 25 to 27)
- Not to design, develop or implement the Privacy Sandbox in such a way that it favours Google's own advertising products and services (paragraphs 30 to 31), and
- Not to attempt to circumvent these above commitments (paragraph 33).

The CMA has today (23 March 2022) approved under paragraph 32(b) of the commitments the appointment by Google of ING Bank N.V. as Monitoring Trustee to monitor compliance with the abovementioned provisions of the commitments. As part of its mandate, the Monitoring Trustee will:¹

- Monitor Google's compliance with the abovementioned provisions.
- With the CMA's approval, appoint relevant technical experts as appropriate to support ING Bank's monitoring responsibilities under the commitments.
- Provide the CMA with written quarterly reports on ING Bank's assessment of Google's compliance with the specific provisions in the commitments.
- Propose to Google any necessary measures Google should take in order to make sure that the commitments are complied with.
- Promptly report in writing to the CMA where ING Bank reasonably suspects that Google has failed to adhere to one or more of the terms of the Commitments, whether deliberately, recklessly or inadvertently.

The Monitoring Trustee will also have a role in engaging with other interested stakeholders, where they have questions about the nature and scope of the parts of the commitments which the Monitoring Trustee is supervising. The Monitoring Trustee can be reached via the following contacts:

¹ The role of the Monitoring Trustee is set out in Section I of the [Final Commitments](#), and Annex 3 gives an outline of the Monitoring Statement.

- ING Trustee Services (trustee.services@ing.com)
- Matthew Hancox (Managing Director, Head of Trustee Services, matthew.hancox@ing.com)
- David Verroken (Director, Trustee Services, david.verroken@ing.com)

The CMA envisages that this industry engagement with the Monitoring Trustee will work alongside the [other communication channels](#) that the CMA and Google make available to third parties to engage on the design, development and implementation of Google's Privacy Sandbox tools.

Next Steps

Over the next few months, the CMA will continue its engagement with Google, in parallel to having regular engagement with ING Bank and the Information Commissioner's Office as part of its monitoring of Google's design, development and implementation of the Privacy Sandbox tools.