

# **Notice of intention to release commitments previously accepted by the CMA in respect of Google's Privacy Sandbox Proposals**

13 June 2025



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# 1. Introduction

- 1.1 On 11 February 2022, we issued a decision (the '**Decision**') under section 31A of the Competition Act 1998 (the '**Act**') to accept commitments (the '**Commitments**') offered by Alphabet Inc.,<sup>1</sup> Google UK Limited<sup>2</sup> and Google LLC<sup>3</sup> (collectively, '**Google**')<sup>4</sup> in the context of our investigation concerning Google's suspected abuse of a dominant position in the market for the supply of web browsers through its proposals to replace third-party cookies ('**TPCs**') and other functionalities in Chrome with a range of alternative technologies known as the 'Privacy Sandbox' tools (the '**Investigation**').<sup>5</sup>
- 1.2 Cookies are small pieces of information, normally consisting of just letters and numbers, which websites provide when users visit them. A web browser can store cookies and send them back to the website next time they visit. Cookies are used to, among other things, track users' browsing behaviour.
- 1.3 First-party cookies are set by the website the user is visiting. TPCs are set by a domain other than the one the user is visiting. This typically occurs when the website incorporates elements from other sites, such as images, social media plugins or advertising. When the browser or other software fetches these elements from the other sites, those other sites can set cookies as well.<sup>6</sup>
- 1.4 The extensive collection of data by means of cookies has given rise to concerns about users' privacy and compliance with data protection laws.<sup>7</sup> At the time of our Decision, Google's stated aim for the Privacy Sandbox was to remove cross-site tracking of Chrome users through TPCs and alternative tracking methods (such as fingerprinting) and replace it with Privacy Sandbox tools to fulfil similar purposes.
- 1.5 Currently cross-site tracking serves a range of purposes within digital advertising markets and the broader operation of the open web. These include various forms of ad targeting and ad measurement, as well as

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<sup>2</sup> Registered office: 1 St. Giles High Street, London, WC2H 8AG; UK company number 03977902.

<sup>3</sup> Registered office: 1600 Amphitheatre Parkway, Mountain View, CA 94043, USA.

<sup>4</sup> Each of Alphabet Inc., Google UK Limited and Google LLC are part of the same corporate group. The Commitments are expressed as binding these three companies and 'any other member of their corporate Group'.

<sup>5</sup> Privacy Sandbox on Android was outside the scope of the CMA's investigation.

<sup>6</sup> Information Commissioner's Office, [Cookies and similar technologies](#) (accessed on 12 June 2025).

<sup>7</sup> See the ICO's [Information Commissioner's Opinion: Data protection and privacy expectations for online advertising opinions](#), 25 November 2021 (accessed 12 June 2025) and the ICO's [Update report into ad tech and real time bidding](#), 20 June 2019 for more information on these concerns (accessed on 12 June 2025).

spam/fraud detection and federated login.<sup>8</sup> In line with our approach in the Decision, we refer to these activities collectively as functionalities associated with user tracking.<sup>9</sup>

## Google's previous plans for TPCs gave rise to competition concerns

- 1.6 In the Decision, we set out our concern that the Privacy Sandbox proposals, if implemented without sufficient scrutiny and oversight, would be likely to amount to an abuse of Google's likely dominant position in the market for the supply of web browsers in the UK. More specifically, we were concerned that without such scrutiny and oversight, the Privacy Sandbox Proposals would allow Google to:
- (a) distort competition in the market for the supply of ad inventory in the UK and in the market for the supply of ad tech services in the UK, by restricting the functionality associated with user tracking for third parties, while retaining this functionality for Google;
  - (b) self-preference its own ad inventory and ad tech services by transferring key functionalities to Chrome, providing Google with the ability to affect digital advertising market outcomes through Chrome in a way that cannot be scrutinised by third parties, and leading to conflicts of interest; and
  - (c) exploit its likely dominant position by denying Chrome web users substantial choice in terms of whether and how their personal data is used for the purpose of targeting and delivering advertising to them.<sup>10</sup>
- 1.7 We were also concerned that Google's announcements of its proposals for the Privacy Sandbox prior to issue of our notice of intention to accept commitments in June 2021 (**'the June 2021 Notice'**) had caused uncertainty in the market as to the specific alternative solutions that would be available to publishers and ad tech providers once TPCs were deprecated.

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<sup>8</sup> TPCs and other forms of cross-site tracking allow for interest-based user profiles to be established and users to be targeted with ads corresponding to their profile (interest-based targeting). Cross-site tracking is also used to allow advertisers to retarget customers that have previously visited their website. Cross-site tracking may also be used to determine whether and how many ads have been served successfully to users (measurement), to help assess ad effectiveness by determining whether views and clicks on ads led to conversions (attribution), and to limit how often a specific user is shown an ad (frequency capping). It also supports the reporting of the outcomes of ad auctions to advertisers and publishers to facilitate payment and show performance of contracts.

<sup>9</sup> See the [Decision](#) paragraph 3.10.

<sup>10</sup> See the [Decision](#) paragraph 3.3.

## **Google offered the Commitments to address the CMA's competition concerns**

- 1.8 Google offered commitments to address the CMA's competition concerns. The CMA's acceptance of the Commitments created obligations on Google around transparency and consultation with third parties regarding the development of the Privacy Sandbox; CMA and ICO involvement in the design, development and implementation of the Privacy Sandbox proposals; non-discrimination against rivals of Google's own advertising businesses in the design, development and implementation of the Privacy Sandbox; limiting Google's use of data in its advertising businesses; and reporting and compliance regarding the commitments.

## **Developments and changes to the Privacy Sandbox since the CMA's Decision to accept the Commitments**

- 1.9 Since the CMA's Decision to accept the Commitments, there have been various developments and changes to the Privacy Sandbox.
- 1.10 First, on 22 July 2024, Google announced in a blog post a new approach to Privacy Sandbox.<sup>11</sup> Instead of deprecating (or removing) TPCs, Google would introduce a new prompt giving Chrome users a choice of whether to maintain or restrict TPCs. Compared to the previous approach of full TPC deprecation, the new standalone prompt was likely to result in some Chrome users maintaining TPCs.
- 1.11 Second, Google decided not to implement certain Privacy Sandbox features that it originally envisaged would limit the scope of cross-site tracking using identifiers other than TPCs. For example, it confirmed that IP addresses will continue to be available in default browsing mode. As a result, ad techs will be able to build alternative identifiers that can re-create some cross-site tracking functionality in Chrome even for users that do not allow TPCs.
- 1.12 Then, on 22 April 2025, Google announced that it no longer intends to proceed with introducing a standalone prompt giving users a choice whether to restrict or maintain TPCs (see paragraph 1.10 above), or to take any other action which would materially reduce the availability of TPCs.<sup>12</sup> In this latest announcement, Google also recognises that the Privacy Sandbox APIs may

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<sup>11</sup> See Google's announcement [A new path for Privacy Sandbox on the web](#), 22 July 2024 (accessed on 12 June 2025).

<sup>12</sup> See Google's announcement [Next steps for Privacy Sandbox and tracking protections in Chrome](#), 22 April 2025 (accessed on 12 June 2025).

have a different role to play than Google had originally envisaged. Google also states that it will continue to enhance tracking protections in Chrome's Incognito mode - a feature in Chrome where users can browse in a more private way, which currently means that their browsing data is not saved on the device. Google has not provided details on the extent to which the Privacy Sandbox APIs will be maintained and developed further, but has said that it will continue to engage with the industry to gather feedback.

## **The latest changes mean that the CMA has reasonable grounds for believing that its competition concerns no longer arise and proposes to release the Commitments**

- 1.13 On 7 May 2025, Google requested that the commitments be released by the CMA. In light of the above developments, the CMA's provisional view is that it has reasonable grounds for believing that the competition concerns it identified as arising from Google's proposals to replace TPCs and other functionalities in Chrome with the Privacy Sandbox tools no longer arise.
- 1.14 The CMA's provisional view is that it is appropriate to release the Commitments. Therefore, we give notice<sup>13</sup> (the '**Notice**') that we propose to release the Commitments and invite representations from interested third parties on this proposed course of action. We will consider representations made by third parties on the proposed release of the Commitments before making a final decision on whether to release them. Details on how to comment are provided at the end of this Notice. The closing date for comments is **4 July 2025 at 23:55**.
- 1.15 To assist third parties in responding to this consultation, the remainder of this Notice is structured as follows:
- (a) Section 2 sets out the legal framework for release of the Commitments;
  - (b) Section 3 sets out our original competition concerns arising from Google's Privacy Sandbox proposals and why the CMA has reasonable grounds for believing that they no longer arise; and
  - (c) Section 4 sets out our invitation to comment.

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<sup>13</sup> Pursuant to paragraph 2 of Schedule 6A to the Act.

## 2. Legal framework for releasing the Commitments

- 2.1 Section 31A of the Act provides that for the purposes of addressing the competition concerns it has identified, the CMA may accept from such person (or persons) as it considers appropriate, commitments to take such action (or refrain from taking such action) as it considers appropriate.
- 2.2 Section 31A(4) of the Act provides that at any time when commitments are in force, the CMA may release commitments at the request of the person(s) who gave the commitments, or if it has reasonable grounds for believing that the competition concerns no longer arise.<sup>14</sup> The Guidance on the CMA's investigation procedures in Competition Act 1998 cases (CMA8) (**'Procedural Guidance'**) sets out that, where a request for release of commitments is made, the CMA will generally consider it appropriate to release commitments only where it has reasonable grounds for believing that 'the competition concerns identified by it at the time of their acceptance or variation no longer arise'.<sup>15</sup>
- 2.3 Under Schedule 6A of the Act, before the CMA releases commitments, it must give notice and consider any representations made in accordance with the notice and not withdrawn.
- 2.4 Our provisional view is that, for the reasons set out in this Notice, the CMA has reasonable grounds for believing that the competition concerns it identified (see paragraphs 1.6 and 1.7 above) no longer arise, and it is appropriate for the CMA to release the existing commitments. We set this out in further detail in Section 3.

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<sup>14</sup> Section 31A(4) provides:

'(4) Commitments under this section—

(a) shall come into force when accepted; and

(b) may be released by the CMA where—

(i) it is requested to do so by the person (or persons) who gave the commitments; or

(ii) it has reasonable grounds for believing that the competition concerns referred to in subsection (2) or (3) no longer arise.'

<sup>15</sup> See the CMA's [Guidance on the CMA's investigation procedures in Competition Act 1998 cases: CMA8](#), paragraph 10.30.



### 3. The CMA's reasons for releasing the Commitments

#### Our original concerns

- 3.1 Our original competition concerns are set out in Chapter 3 of the Decision. At the time of the Decision, Google intended to remove cross-site tracking of Chrome users through TPCs and alternative tracking methods such as fingerprinting, and to develop and implement the Privacy Sandbox tools to provide selected functionalities currently dependent on cross-site tracking.<sup>16</sup>
- 3.2 In the Decision, we expressed concerns that the deprecation of TPCs and the introduction of the Privacy Sandbox tools, if implemented without sufficient regulatory scrutiny and oversight, would allow Google to:
- (a) distort competition in the market for the supply of ad inventory in the UK and in the market for the supply of ad tech services in the UK, by restricting the functionalities associated with user tracking for third parties, while retaining this functionality for Google;
  - (b) self-preference its own ad inventory and ad tech services by transferring key functionalities to Chrome, providing Google with the ability to affect digital advertising market outcomes in a way that cannot be scrutinised by third parties, and leading to conflicts of interest; and
  - (c) exploit its likely dominant position by denying Chrome users an effective choice in terms of whether and how their personal data is used for the purposes of targeting and delivering advertising to them.
- 3.3 We also expressed concerns that Google's announcements prior to the issue of the June 2021 Notice had caused uncertainty in the market as to the specific alternative solutions which would be available to publishers once TPCs had been removed. Google's announcements and actions prior to the issue of the June 2021 Notice showed (and created the expectation) that Google was determined to proceed with changes in the relevant areas, including by removing TPCs within two years of the announcements, in ways which would advantage its own businesses and limit competition from rivals.<sup>17</sup>

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<sup>16</sup> See [Decision](#), paragraph 1.5.

<sup>17</sup> See [Decision](#), paragraph 3.6.

- 3.4 In this respect, the CMA considered<sup>18</sup> that the concerns that market participants had expressed to it regarding the impact that the Privacy Sandbox proposals were likely to have on competition reflected in part:
- (a) the asymmetry of information between Google and third parties regarding the development of the Privacy Sandbox proposals, including the criteria that Google would use to assess different design options and evidence relating to their effectiveness against those criteria; and
  - (b) a lack of confidence from third parties regarding Google's statements concerning its intentions in developing and implementing the Privacy Sandbox proposals. The CMA understood that this lack of confidence in part reflected the commercial incentives that Google faced in developing the Privacy Sandbox proposals and the lack of independent scrutiny of the Privacy Sandbox proposals and the process for their development.

### **Reasonable grounds for believing that our competition concerns no longer arise**

- 3.5 Since our Decision of 11 February 2022 outlining these concerns, Google has announced various changes in its approach to the Privacy Sandbox. Google's most recently announced changes on 22 April 2025 mean that Google no longer intends to pursue the conduct which gave rise to our original competition concerns.
- 3.6 Considering the concerns expressed in paragraphs 3.2 (a) to (c) above respectively:
- (a) Google no longer plans to take any action that would materially reduce the availability of TPCs and other signals its advertising rivals could use to enable functionalities associated with user tracking. Specifically, Google neither intends to remove TPCs from Chrome, nor to introduce new choice architecture (such as a standalone prompt) which could lead to such a material reduction. While Google still intends to reduce the availability of other signals which can be used for tracking (such as through IP Protection) in Incognito mode,<sup>19</sup> this is unlikely to have a material impact on ad tech and ad inventory businesses' abilities to compete because this would only affect a very small fraction of browsing

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<sup>18</sup> See [Decision](#), paragraph 3.7.

<sup>19</sup> Incognito mode begins when a user opens an Incognito tab or window, and when in Incognito mode, users' browsing activity data is not saved on the device and users are, by default, not signed into any accounts or sites, including their Google Account. Some tracking of users is still possible while in Incognito mode as its primary function is to hide user activity on the device itself.

activity.<sup>20</sup> Taken together, these changes to Google's approach mean we have reasonable grounds for believing that the concern we had identified, namely that Google would limit the functionalities available to its rivals in the open display market, while leaving Google's ability to offer these functionalities relatively unaffected, no longer arises.

- (b) Our process to date has provided scrutiny and oversight to ensure that the Privacy Sandbox tools as they exist today do not distort competition by self-preferencing Google's advertising businesses.<sup>21</sup> However, Google recognises that the Privacy Sandbox APIs may now have a different role to play than it had originally envisaged. We have considered whether Google could, if it were to maintain the tools in future and absent proper scrutiny and oversight, regain the ability to affect competitive processes through the use and ongoing development of these tools in a way that cannot be scrutinised by third parties.<sup>22</sup> Current evidence suggests that the tools are unlikely to be sufficiently important inputs to ad tech and ad inventory businesses' ability to compete, absent Google's conduct to restrict TPCs. This is because, in their current state of development, we expect TPCs to more effectively support outcomes for the ad ecosystem, and that the Privacy Sandbox tools will not be materially valuable complements to TPCs.<sup>23</sup> We therefore provisionally consider that Google would not regain any material ability to distort competition in digital advertising by self-preferencing its own advertising businesses through the development and implementation of these tools.
- (c) Google's revised plans no longer involve unilaterally changing how personal data is used for the purposes of targeting and delivering advertising to users. Under Google's current plans, users will retain similar options to control how their data is used in the Chrome browser as existed before the Privacy Sandbox proposals addressed in the Decision.<sup>24</sup> These include the ability for users to allow or restrict TPCs in

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<sup>20</sup> Google's response of 16 April 2025 to CMA questions dated 11 April 2025, that in each of the UK and the EEA, Chrome Incognito mode represents: less than 10% of navigations on devices running on the Android operating system; and less than 10% of navigations on devices running on the Windows operating system. The metrics which Google provided refer to navigations only on Chromium-based Chrome in the UK and EEA.

<sup>21</sup> See for example our previous quarterly reports on our [case page](#).

<sup>22</sup> Ongoing development could include removal, or substantive changes to the functioning, of these tools.

<sup>23</sup> See the CMA's Summary of Testing Results, see [our case page](#), and third-party analysis showing that uptake of the tools has been modest over the last year (for example, fewer than 20% of sites have adopted Protected Audience API auctions. Protected Audience API facilitates on-device auctions for remarketing and custom audiences, without relying on TPCs). Source: Sincera dashboard maintained by Professor Garrett Johnson: [Sincera](#) (accessed on 12 June 2025).

<sup>24</sup> Google made some changes to its platforms program policies on 16 February 2025 which are relevant to the identification of devices, these changes did not fall within the scope of the commitments.

Chrome settings. In relation to the Privacy Sandbox tools, although there is room for improvement, our process has provided oversight to ensure that the prompts currently available provide users with effective choices on how API callers use their data. Further, Google will still be required to comply with UK data protection law. Additionally, as in relation to (b), we expect relatively low uptake of the Privacy Sandbox tools now that TPCs are not being deprecated or otherwise restricted in Chrome. This is because TPCs will more effectively support outcomes for the ad ecosystem, and that the Privacy Sandbox tools will not be materially valuable complements to TPCs. This gives us further grounds for believing our concerns no longer arise.

- 3.7 The CMA keeps under review information relating to the exercise of its functions, including under the Act and the new Digital Markets, Competition and Consumers Act 2024 (the ‘**DMCCA**’). In the event that the CMA considered that adverse competition effects might result from Google’s ongoing development and implementation of the Privacy Sandbox tools, or related design choices that affect the availability of signals that enable functionalities for user tracking, renewed scrutiny under the Act and/or the DMCCA may be appropriate.

### **Reasonable grounds for believing that our concerns in relation to Google’s announcements no longer arise**

- 3.8 With regard to Google’s announcements and implementing steps prior to the June 2021 notice, these completed actions influenced the content of the commitments accepted on 11 February 2022. Section D of the commitments, in particular, has sought to improve transparency and consultation with third parties and has been in force from then. We expect the number and importance of announcements relating to the Privacy Sandbox to decrease, in light of Google’s decision not to proceed with introducing a standalone prompt giving users a choice whether to restrict or maintain TPCs, or TPC deprecation. The CMA thus has reasonable grounds for believing that this concern no longer arises.
- 3.9 We further consider that Google’s announcements of 22 April 2025 take place in a context in which our scrutiny has led to Google publishing materially more information:
- (a) on the design of the Privacy Sandbox tools (for example in its quarterly reports); and

(b) on the effectiveness of the Privacy Sandbox tools (for example through its own testing reports and its support of third parties in evaluating the tools' effectiveness directly through the period of Chrome-facilitated testing).

3.10 We also consider, as set out above, that the likely change in role of the Privacy Sandbox tools means that the tools are unlikely to be sufficiently important inputs to ad tech and ad inventory businesses' ability to compete.

3.11 Overall, our provisional view is that we have reasonable grounds for believing that the competition concerns identified in the Decision no longer arise.

## 4. Intention to release the Commitments and invitation to comment

- 4.1 In light of the above, we intend to release the Commitments by means of a formal decision.
- 4.2 As required by section 31A(5) of, and paragraph 11 of Schedule 6A to, the Act, we now invite interested third parties to make representations on the proposed release of the Commitments and will take such representations into account before making our final decision whether to release the Commitments.<sup>25</sup>

### Invitation to comment

- 4.3 As noted above, we have not reached a final view and invite all interested parties to submit observations and evidence in order to assist us in our final assessment.
- 4.4 Any person wishing to comment should submit written representations to [PrivacySandbox@cma.gov.uk](mailto:PrivacySandbox@cma.gov.uk) by **4 July 2025 at 23:55**.
- 4.5 We are interested to hear from anyone wishing to comment on the proposal. Any non-disclosure agreement a party may have in place with Google should not prevent them from responding to this consultation. How the CMA handles confidential information is set out in paragraphs 4.6 and 4.7 below.

### Confidentiality

- 4.6 We do not intend to publish the responses to the consultation with any decision. However, the information contained in the responses may be used or summarised on an anonymous basis.
- 4.7 If we decide not to release the commitments, and we consider disclosing the information (such as in the unlikely event of the CMA issuing a statement of objections), we will revert to the provider of that information to obtain representations on confidentiality. We will then consider those representations before deciding whether the information should be disclosed under Part 9 of the Enterprise Act 2002.

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<sup>25</sup> Pursuant to paragraph 2(2)(d) of Schedule 6A of the Act.