The Brief

Public Policy & Regulatory Affairs Review: Q3 2026

Five things you need to know...

1. ICO Publishes New Advice on Cookie Exemptions

On 18 May 2026, the UK Information Commissioner's Office (ICO) published advice to the UK Government on a potentially viable approach to ***creating online advertising exceptions to the consent requirements under the Privacy and Electronic Communications Regulations (PECR)***.

The ICO has identified several 'low privacy risk' activities and suggests that attribution in affiliate marketing ***could*** be considered low-risk.

However, it proposes several technical thresholds (like Privacy Enhancing Technologies (PETS)) that the APMA believes are currently unrealistic and commercially unviable, especially given the sector's shift to more privacy-centric server-side and first-party architectures.

The UK Government is preparing legislation to amend the law. To ensure our industry's voice is heard, the APMA is writing to the relevant Minister (see below) outlining our concerns.

We are also working with some member companies to explore proposed legislative wording. This will ensure we are consistent and aligned in our communications.

It's important to remember that the law has ***not*** changed yet. Consent is still legally required under PECR for affiliate attribution, unless it is strictly necessary for cashback and reward services. The ICO's revised guidance is here, and the specific reference to the cashback exemption is here.

2. APMA raises industry concerns with UK minister over ICO's 'commercially unviable' privacy thresholds

APMA is writing to the relevant UK Government Minister, Ian Murray MP, to highlight industry concerns regarding the advice issued by the ICO on potential exemptions to the consent requirements under PECR (see above).

The letter highlights that ***the ICO's proposed technical solutions threaten to impose unrealistic burdens on the sector***, arguing that the requirements are commercially unviable and fail to account for the industry's widespread transition towards a more privacy-friendly approach.

As the UK Government prepares legislation to update digital privacy laws, the APMA is actively engaging with policymakers and member companies to shape viable legal wording before statutory changes are finalised.

3. UK Competition and Markets Authority reins in Google: New rules set to protect affiliate search traffic

The UK Competition and Markets Authority (CMA) has introduced two new legally binding conduct requirements for Google's search services under the UK's digital markets competition regime.

The new requirements, covering ***Fair Ranking*** and ***Data Portability***, are designed to ensure that Google's own products and services cannot unfairly disadvantage independent digital businesses.

They will both need to be implemented by Google by the end of 2026.

For affiliate and partner marketing businesses, the CMA's decision means that Google is now required to rank organic search results using objective and non-discriminatory criteria, whilst ensuring sponsored results remain clearly distinguished.

It must also provide publishers and digital businesses with clearer information about how search rankings operate. For the first time, Google will also be required to establish formal mechanisms allowing businesses to raise concerns about manual actions, ranking changes and other decisions that may have a material adverse impact.

The CMA confirmed that the Fair Ranking principles will extend beyond traditional search results to include AI-generated experiences such as AI Overviews.

The CMA has also placed Google's UK Data Portability API on a statutory legal footing, providing greater certainty for innovative start-ups, such as within cashback, loyalty and rewards, by allowing consumers to securely authorise the transfer of their search data to third-party applications.

4. CMA also mandates AI Attribution and opt-out choice for UK publishers

The CMA has also published new ***Publisher Conduct Requirements (CR)*** for Google's search services. The rules - designed to address growing concerns that AI-powered search services could make use of publisher content while reducing traffic back to the websites that created it - aim to give publishers more control, without being penalised, over how their content is used as well as enabling clearer attribution to sources to improve transparency around AI-powered search.

Google is now legally required, by Q1 2027, to provide publishers with effective controls - such as opting out - over how their content is used by AI systems.

It must also take reasonable steps to ensure content used within its generative AI features is attributed clearly and accurately.

5. EU begins enforcing AI transparency rules: what Affiliate Marketing businesses need to know

6.

The European Commission's (EC) AI Office and EU countries have officially begun enforcing key provisions under the ***EU Artificial Intelligence (AI) Act.***

The milestone introduces binding transparency rules aimed at preventing deception, improving consumer trust, and giving digital businesses a structured compliance baseline.

The newly rules place obligations on both providers and operators of AI systems to (a) inform people when they are interacting with an AI system rather than a human (e.g., chatbots); (b) carry machine-readable watermarks to ensure automated tools and platforms can detect the origin; and (c) display visible labels in 'deepfakes' for consumers.

You can read more about the Act and how to comply from one of APMA's member companies, Rightlander.

Also keep an eye on...

ICO Lays Out Roadmap for Statutory AI Code of Practice

In what will be seen as a less burdensome regime than in the EU, the ICO has written to the Government outlining its plan to develop a statutory ***Code of Practice on AI and Automated Decision-Making (ADM)***.

The Code is to be brought into UK law by an amendment to the Data (Use and Access) Act. Affiliates and networks using automated tools to segment audiences, score leads, or approve publisher applications will have a clear, legally backed framework detailing how personal data can be processed fairly. The ICO is expected to publish a draft Code for consultation in Q4 2026.

Movers & shakers

Andy Burnham took over from Keir Starmer as UK Prime Minister on 20 July 2026. The transition has brought key changes to the technology, business, and data portfolios of the Government.

The Department for Science, Innovation, and Technology (DSIT) has been dissolved with its core responsibilities integrated into an expanded Department for Business, Innovation, Science and Trade.

***Ian Murray MP* continues as Minister of State**, but is now fully based within the re-named Department for Digital, Culture, Media and Sport (DCMS).

He retains responsibility for data protection as well as online safety and changes to the UK privacy legislative landscape. AI Minister Kanisha Narayan MP maintains his role within the expanded Business Department but his portfolio is now jointly held with the Cabinet Office.

Narayan will now attend Cabinet meetings, underscoring the ongoing focus on AI policy across government.