

The Consent Gap

How 242 of the most visited US websites handle a visitor's choice to say no, and what tracking runs before anyone chooses.

43%

of the leading US websites we tested failed our core privacy tests outright. They load ad tracking before any choice, give no obvious way to opt out, and keep tracking when the browser says no.

104 of 242 sites · 1,795 page loads ·
244,395 network requests analyzed

KEY FINDINGS

Most leading websites make saying no hard, and many ignore it when visitors do

We loaded every site three times: with no choice made, with the browser's Global Privacy Control (GPC) signal switched on, and after clicking the site's own reject button where there was one. Opt-out results were verified by hand.

80%

of sites with ad tracking have no obvious opt-out. Only 48 of all 242 sites put a clear reject button on the banner a visitor sees on arrival.

76%

of sites with ad tracking ignore the browser's opt-out signal, fully or in part. They kept sending data to ad companies with GPC switched on.

20 of 24

sites with a visible reject button kept tracking after it was clicked. They still contacted ad companies, and 16 still set advertising cookies.

32%

of sites start session replay on arrival, recording clicks and scrolls before the visitor has made any choice.

95 of 173

sites with ad tracking offer neither a homepage opt-out link nor full support for GPC, the two routes California law allows.

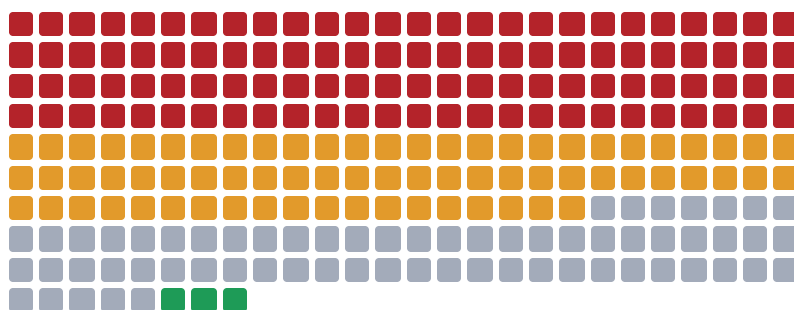
3 of 173

sites with ad tracking passed every test: a clear reject that works, GPC honored, and no session replay before consent. The standard is achievable.

EXHIBIT 1

Where the 242 sites land

Each square is one website, grouped by its overall result.



■ Failed the core tests	104
Ad tracking, no obvious opt-out, GPC not fully honored	43%
■ Failed some tests	71
Passed at least one core test and failed another, or session replay only	29%
■ No ad tracking or replay	64
Nothing on the site that our tests could fail	26%
■ Passed every test	3
Ad tracking, with a clear reject that works, GPC honored and no replay before consent	1%

Source: DataTrue US Website Tracking Benchmark 2026. n = 242 websites scanned 12 and 13 October 2026.

Banks fail most often. Hospitals barely respond to GPC.

EXHIBIT 2

Industry scorecard

Darker cells mean a weaker result. Shares of sites, except the last column.

INDUSTRY	FAIL THE CORE TESTS	NO OBVIOUS OPT-OUT	GPC NOT FULLY HONORED	SESSION REPLAY ON ARRIVAL	MEDIAN AD COMPANIES PER SITE
Retail	40%	76%	65%	44%	10
Healthcare	28%	83%	89%	18%	1.5
Banking	56%	80%	78%	42%	7
Higher education	50%	80%	89%	40%	3
Media	40%	84%	68%	12%	37
All sites	43%	80%	76%	32%	7

Opt-out and GPC columns are shares of sites with ad tracking. The other shares are of all sites.

WHY IT MATTERS

Regulators have already acted

\$1.2M

California Attorney General · 2022

Sephora agreed to pay penalties to settle allegations that it did not stop third-party tracking when shoppers opted out through GPC.

\$1.55M

California Attorney General · 2025

Healthline agreed to civil penalties in a settlement. The Attorney General said its consent banner did not disable tracking cookies and sharing continued after opt-out.

\$632,500

CPPA (now CalPrivacy) · 2025

The CPPA ordered Honda to pay a fine. The order describes a cookie tool where accepting took one click and opting out at least two. Honda did not admit liability.

Settlements are not admissions of wrongdoing. More cases, with sources, in the full report.

WHAT GOOD LOOKS LIKE

Five practices help close the gap

- 1 Put a clear choice on the first screen**
"Reject all" beside "Accept all", with the same size and weight.
- 2 Make GPC switch off every tag that sells or shares data**
Including tags outside the tag manager and vendors other tags call in.
- 3 Test that reject actually stops the tracking**
In every consent state, after every release and on a regular schedule.
- 4 Hold session replay until the visitor agrees**
And mask form fields that could capture personal information.
- 5 Remove what you no longer use**
Retired scripts, duplicate properties and forgotten pixels.

HOW WE RAN THE BENCHMARK

We ran the benchmark on the **DataTrue platform**, using the same automated tests our customers run on their own sites. Real browser sessions loaded up to 50 of the most visited sites in each of five industries: retail, healthcare, banking, higher education and media (42 media sites), ranked from public industry lists.

Each site was scanned on **12 and 13 October 2026**, homepage and up to two linked pages, in three conditions: no choice made, GPC on, and after the site's own opt-out. Every site scored as lacking an obvious opt-out was then verified by hand in a US browser with no stored cookies.

726 tests, three per site, analyzed:

1,795

page loads

244,395

network requests

30,554

cookies

215

unique tags

1,250

third-party domains

PLEASE NOTE

DataTrue customers were excluded and no site is named. Results describe what we observed on the scan dates. They are not legal advice or a finding about any organization's compliance.