



European Privacy Rules

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General Data Protection Regulation

EU law but global relevance

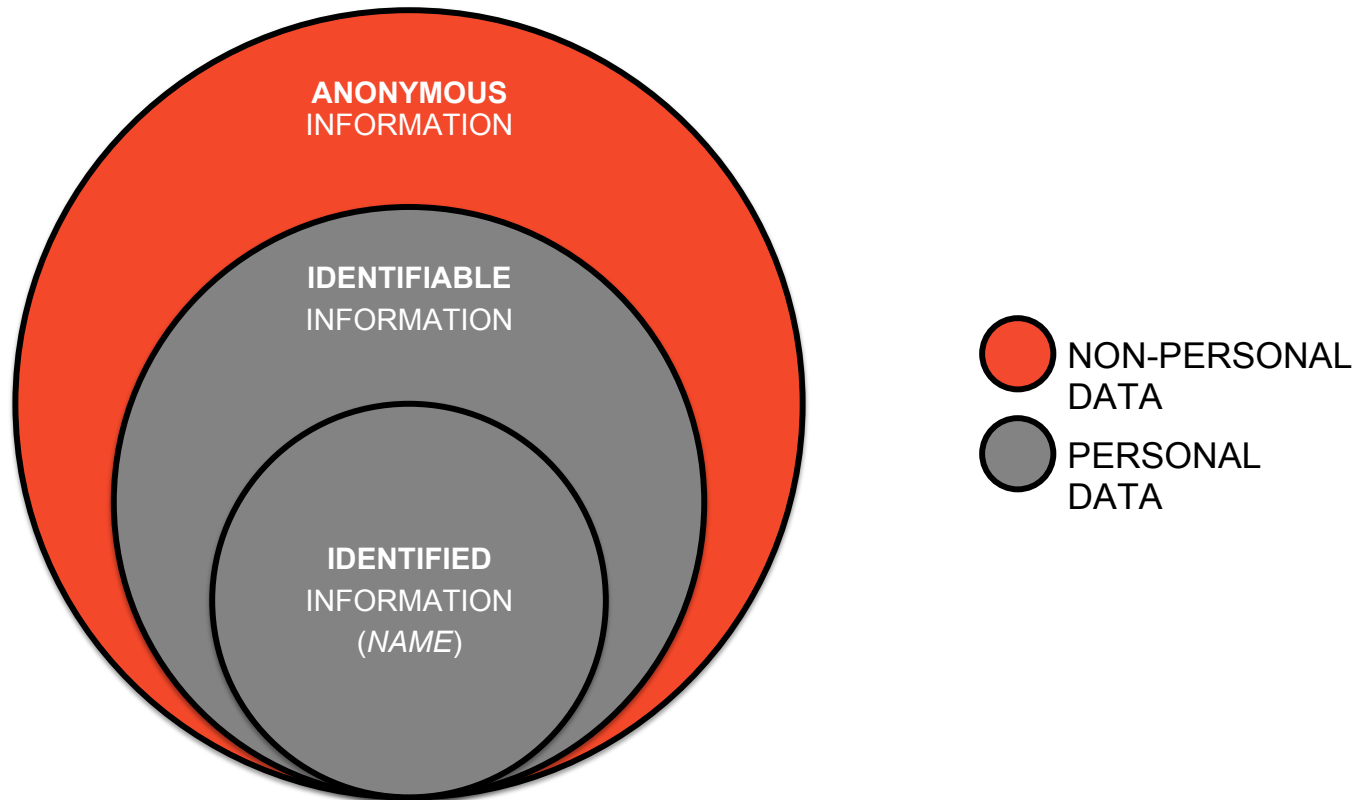


- Applies to businesses in the EU
- Applies to businesses world wide if
 - goods or services are offered to EU individuals
 - EU individual's behavior is monitored, e.g. for targeted ads

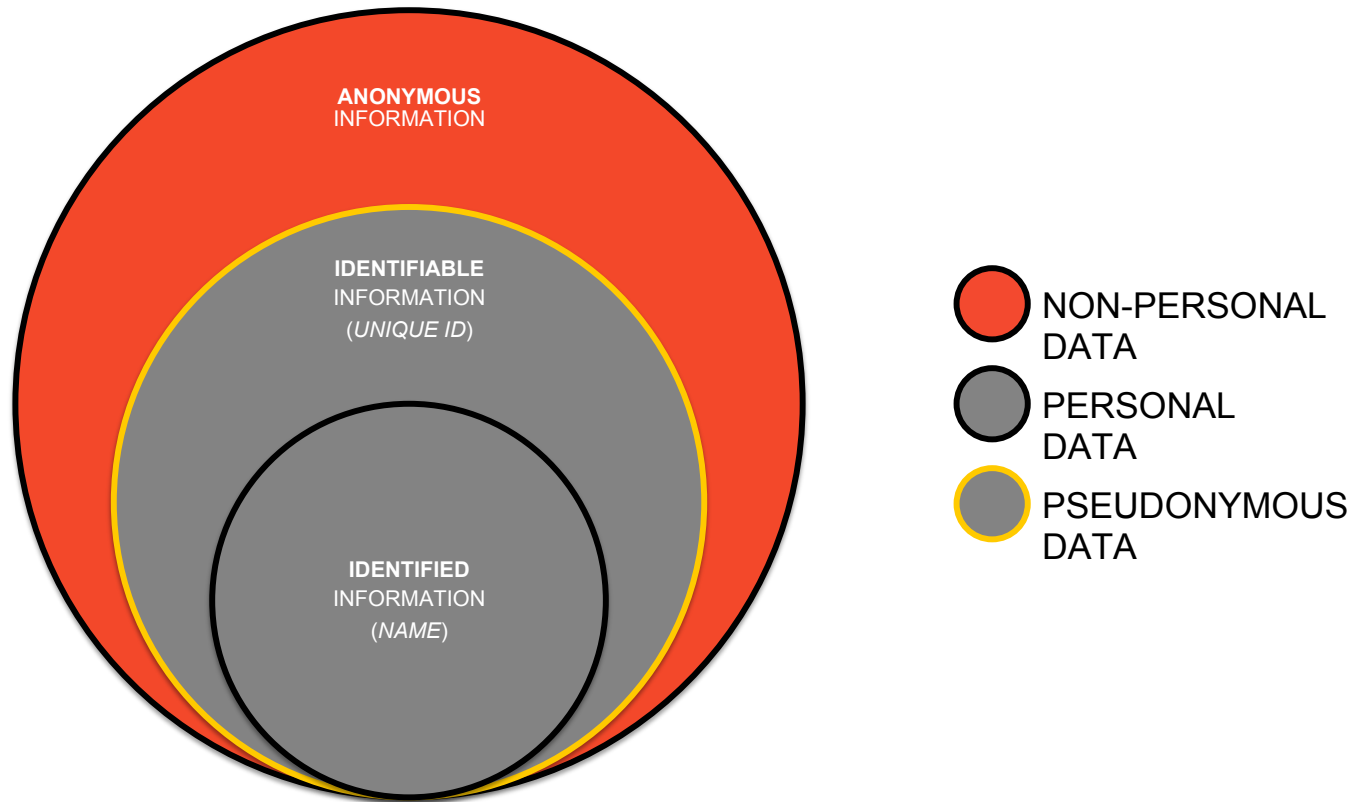
Personal Data

- Any information relating to a **directly** or **indirectly identified** or **identifiable** natural person.
 - Identifiable considering the “means reasonably likely to be used” to identify the individual by any person.
 - Singling out (treating one individual differently from another) is a form of identification.

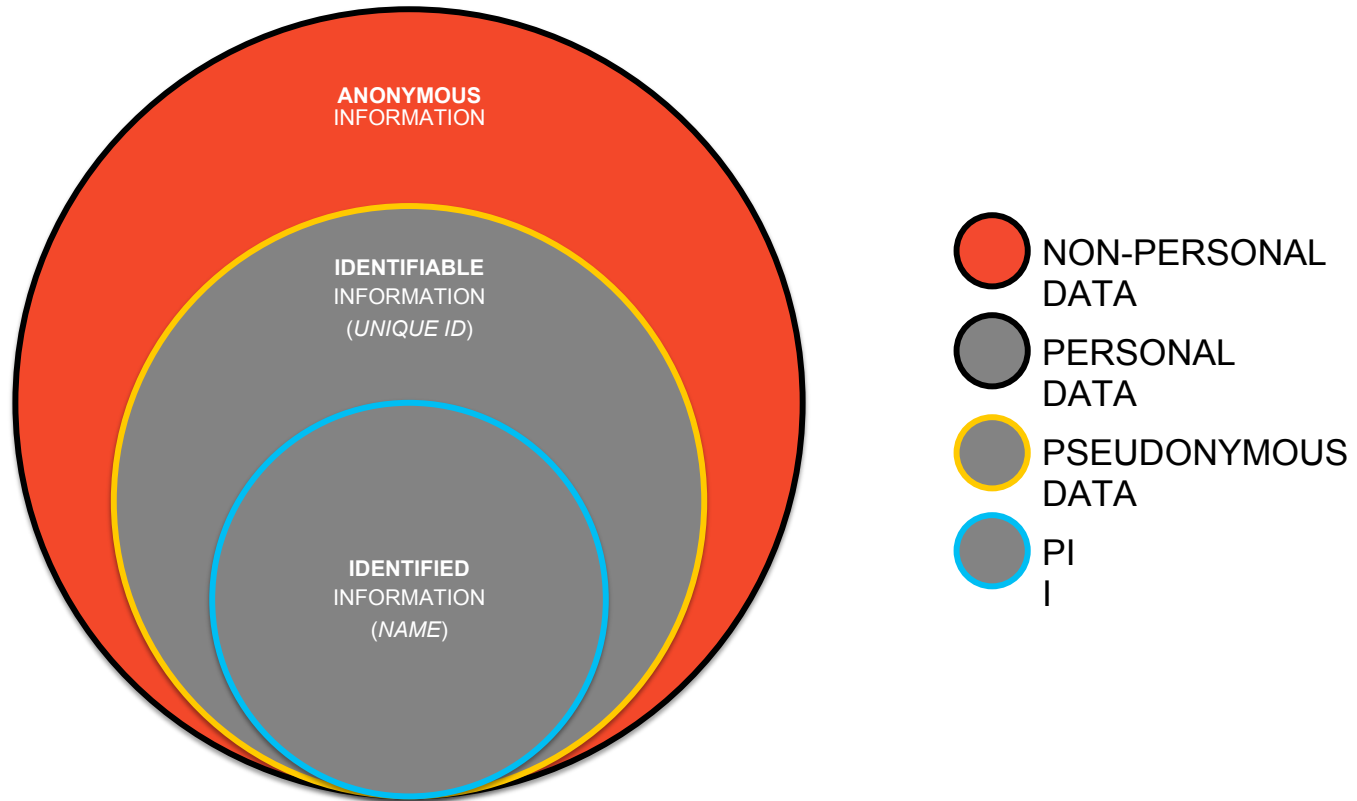
Personal Data



Personal Data



Personal Data



Personal data is more than PII

- All data is personal data.
- Everywhere is Europe.

Obligations for processing personal data

- Lawful processing requires a legal justification.
- Targeted advertising will need consent of the user.
- Processing personal data comes with a long catalogue of legal obligations
 - **User rights:** Access, rectification, deletion, etc.
 - **Transparency:** Who processes personal data? On what ground? For what purpose?
 - **Security:** Pseudonymization, encryption, etc.

Fines

- Breach of the provisions of the GDPR can lead to **fines of up to €20 million or 4% of global annual turnover.**

Consent

- Consent is a statement or **clear affirmative action** signifying agreement to the processing of personal data.
 - freely given
 - specific
 - informed
 - unambiguous

Consent

- Silence or inactivity, e.g. not using a provided opt-out, cannot be consent.
- Consent is presumed not to be freely given if
 - it is a requirement for accessing a service, although the data processing is not strictly technically required (targeted advertising)
 - there is an “imbalance of power” between the consent-requesting party and the consent-giving party (government and citizen)

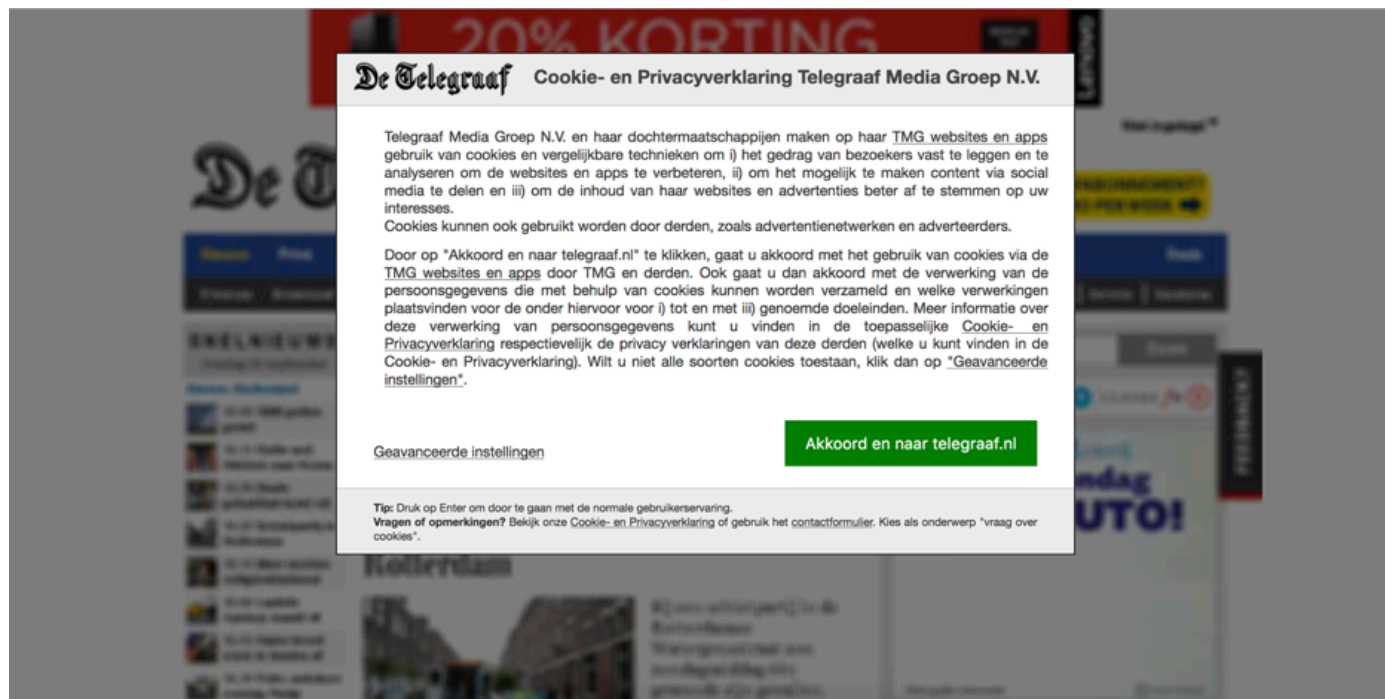
Examples

The screenshot shows the Guardian website's homepage. At the top, there is a navigation bar with links for 'sign in', 'become a supporter', 'subscribe', and 'search'. The Guardian logo is prominently displayed in the center. Below the logo, a secondary navigation bar lists various sections: 'UK', 'world', 'sport', 'football', 'opinion', 'culture', 'business', 'lifestyle', 'fashion', 'environment', 'tech', and 'travel'. A 'home' link is also present. The main content area features a 'headlines' section for Sunday, 25 September 2016, with a weather forecast for London. The primary headline is 'Syria / UN security council to meet on Syria as Assad's troops tighten grip on Aleppo', accompanied by a photograph of a war-torn street. Other headlines include 'Jordan / Writer shot dead outside his trial for insulting Islam' with a video thumbnail, 'UK / Foreign secretary says Russia could be guilty of war crimes', 'Is this civilisation? / Aleppo reels from relentless shelling', 'Video / Girl pulled from rubble after airstrike in Aleppo', 'Canadian and two Italians taken hostage in Libya', and 'Theresa May / UK PM's allies reject claim about her role in...'. A footer at the bottom contains a cookie notice: 'Welcome to the Guardian. This site uses cookies. Read our policy.'

Examples

The screenshot displays the IAB Europe website homepage. At the top left is the logo for 'iab europe interactive advertising bureau'. To the right of the logo are links for 'Become a Member', 'Sign up to our Newsletter', 'Contact', and 'Login', along with social media icons for Twitter and LinkedIn, and a search bar. Below this is a blue navigation bar with a home icon and menu items: 'About', 'Policy', 'Research & Thought Leadership', 'Best Practices', 'Education', 'News', 'Blog', 'Events', and 'Membership'. The main content area features three large cards. The leftmost card, titled 'European Programmatic Market Sizing 2015', highlights that the market 'increases 70.3% to €5.7bn in 2015' and is dated 'September 2016'. The middle card is titled 'Global Mobile Advertising Revenue' and states that 'Global Mobile Advertising revenues surged to €37 billion (\$49 billion) in 2015'. The rightmost card is titled 'Making Online Ads Better for Everyone' and mentions 'Global Online Media Leaders Join Forces to Improve Consumer Ad Experience'. Each card includes a 'LEARN MORE' button. At the bottom of the page, a blue banner contains a cookie notice: 'This website uses analytics cookies to improve user experience. By continuing to use this website you agree to our cookie policy.' with an 'OK' button.

Examples



De Telegraaf Cookie- en Privacyverklaring Telegraaf Media Groep N.V.

Telegraaf Media Groep N.V. en haar dochtermaatschappijen maken op haar TMG websites en apps gebruik van cookies en vergelijkbare technieken om i) het gedrag van bezoekers vast te leggen en te analyseren om de websites en apps te verbeteren, ii) om het mogelijk te maken content via social media te delen en iii) om de inhoud van haar websites en advertenties beter af te stemmen op uw interesses.

Cookies kunnen ook gebruikt worden door derden, zoals advertentienetwerken en adverteerders.

Door op "Akkoord en naar telegraaf.nl" te klikken, gaat u akkoord met het gebruik van cookies via de TMG websites en apps door TMG en derden. Ook gaat u dan akkoord met de verwerking van de persoonsgegevens die met behulp van cookies kunnen worden verzameld en welke verwerkingen plaatsvinden voor de onder hiervoor voor i) tot en met iii) genoemde doeleinden. Meer informatie over deze verwerking van persoonsgegevens kunt u vinden in de toepasselijke Cookie- en Privacyverklaring respectievelijk de privacy verklaringen van deze derden (welke u kunt vinden in de Cookie- en Privacyverklaring). Wilt u niet alle soorten cookies toestaan, klik dan op "Geavanceerde instellingen".

[Geavanceerde instellingen](#) [Akkoord en naar telegraaf.nl](#)

Tip: Druk op Enter om door te gaan met de normale gebruikerservaring.
Vragen of opmerkingen? Bekijk onze Cookie- en Privacyverklaring of gebruik het contactformulier. Kies als onderwerp "vraag over cookies".

Examples

The screenshot shows the T-Mobile website interface. At the top, there are navigation links for 'Privé' and 'Zakelijk'. Below this is a main navigation bar with 'Shop', 'Klantenservice', and 'Netwerk'. A search bar with the placeholder 'Zoeken..' and a 'My T-Mobile' account link are also present. The main content area features a large advertisement for the 'APPLE IPHONE 7' with the text 'De iPhone 7 (Plus) is nu te bestellen bij T-Mobile'. A 'Naar de shop' button is prominently displayed, along with a link for 'Meer over iPhone 7 (Plus) levertijden >'. Below the main ad, there are three smaller promotional boxes: 'Samsung Galaxy S7', 'Sim Only aanbieding', and 'Verleng je abonnement'. At the bottom of the page, a cookie consent banner is visible, stating 'De website T-Mobile.nl werkt het beste met cookies. Zo kunnen we de website verbeteren en je instellingen onthouden. Wat zijn cookies?' with 'Accepteer cookies' and 'Nee, liever niet' buttons.



Review of the ePrivacy Directive

Ideas for the Review of the ePrivacy Directive

“There is a clear democratic need to ensure the economic survival of news media. However, the European Commission should not accept that news media impose invasive tracking of users.”

– Article 29 Working Party [Opinion 03/2016]

Ideas for the Review of the ePrivacy Directive

“Users must be given a free choice to accept or deny the processing and still use the service.”

– European Data Protection Supervisor [Opinion 5/2016]

Ideas for the Review of the ePrivacy Directive

“Adherence to accepted technical and policy compliance standards [for DNT] by all parties concerned, including the operators of the website, should become obligatory.”

– European Data Protection Supervisor [Opinion 5/2016]

Ideas for the Review of the ePrivacy Directive

“We believe the EU should move beyond the current tendency for monitoring of online behaviour, and consider the feasibility of [an Internet] for individuals to interact without fear of being tracked.”

– European Data Protection Supervisor [Opinion 8/2016]

Summary

- No “forced consent”: users should be able to say no to advertising but still get access to the service.
- At the very least publishers should provide a “reasonably priced” paid service without advertising.
- Adhering to the Do Not Track standard should become obligatory.

Thank You

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