

Brussels, 24 June 2010

## **ARTICLE 29 DATA PROTECTION WORKING PARTY**

### **Opt-out is not sufficient**

### **European Data Protection Authorities clarify EU rules on online behavioural advertising**

The European Data Protection Authorities (the Article 29 Data Protection Working Party) today published an Opinion clarifying how EU rules apply to online behavioural advertising.

([http://ec.europa.eu/justice\\_home/fsj/privacy/docs/wpdocs/2010/wp171\\_en.pdf](http://ec.europa.eu/justice_home/fsj/privacy/docs/wpdocs/2010/wp171_en.pdf))

Behavioural advertising is defined as the continuous tracking of individuals across multiple websites. Commonly, tracking cookies are being used to collect information about individual surfing behaviour and to send users targeted advertisements.

Monitoring of individuals while they surf the Internet can give third parties a very detailed picture of a person's online life. The Opinion states that although online behavioural advertising may bring advantages to online business and users alike, its implications for personal data protection and privacy are significant. In particular, the Opinion stresses that online behavioural advertising providers, when they use cookies, are bound by the new EU rules on electronic privacy. The revised ePrivacy Directive introduces the obligation for informed consent of users before tracking devices such as cookies are installed on users' computers.

Addressing online behavioural advertising networks and browser vendors, the European Data Protection Authorities call for simple and effective mechanisms for users to affirmatively give their consent for online behavioural advertising. Equally simple and effective mechanisms should be established for users to withdraw their consent. Currently, three out of the four most widely used browsers have as default setting to accept all cookies. Not changing a default setting can not be considered, in most cases, as meaningful consent. Advertising networks and publishers should provide information about the purposes of tracking in a clear and understandable manner to enable users to make informed choices about whether they want their browsing behaviour to be monitored.

Taking into account the vulnerability of children, the Opinion takes the view that online behavioural advertising networks should not serve behavioural advertising to children.

### **Background information**

The European Data Protection Authorities (the Article 29 Working Party on the Protection of Individuals with regard to the Processing of Personal Data) is an independent advisory body on data protection and privacy, set up under Article 29 of the Data Protection Directive 95/46/EC. It is composed of representatives from the national data protection authorities of the EU Member States, the European Data Protection Supervisor and the European Commission. Its tasks are described in Article 30 of Directive 95/46/EC and Article 15 of Directive 2002/58/EC. The Article 29 Working Party is competent to examine any question covering the application of the data protection directives in order to contribute to the uniform application of the directives. It carries out this task by issuing recommendations, opinions and working documents.

[http://ec.europa.eu/justice\\_home/fsj/privacy/workinggroup/index\\_en.htm](http://ec.europa.eu/justice_home/fsj/privacy/workinggroup/index_en.htm)