

Cookie: Consent, Refusal and Withdrawal

What are cookies?

Cookies refer to small text files in alphanumeric format that may be specific to the website or may be deposited/read by third parties in the context of the provision of services used by the website but hosted on other domains (video platforms, social plugin, advertising agencies, analytical needs, etc.). In this second case, we are talking about «third-party cookies».

What do cookies do in your browser?

A cookie makes it possible, in particular, to recognise a visitor when he returns to a website, to remember the language he had chosen during his previous visit or, in the case of merchant services, the products he had placed in his shopping basket during a previous shopping session.

Unlike these relatively intrusive types of cookies, the use of other types of cookies can have a significant impact on the privacy of internet users if they are used for other purposes, such as tracking and profiling, in order to subsequently provide them with targeted advertising.

Recommendation: provide information in two levels

The first level of information is provided via a cookie banner or in a pop-up window, which must contain a link to the second level of information (a data protection policy or cookie policy, separate from the general conditions).

Informed consent

Complete, clear and comprehensible information on the use of cookies must be provided to the user prior to obtaining his consent.



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Prior consent

The website may not place non-essential cookies until the user has given his or her active consent.

Freely given consent

Consent can only be valid if users are able to genuinely and freely exercise their choice, without being forced in any way to accept the use of cookies.

Unambiguous consent

This means that there can be no ambiguity as to the expression of consent. Consent must take the form of a clear and positive action by the user, who has been informed in advance of the consequences of his choice (e.g. by ticking a box or activating a swipe button).

Specific consent

If non-essential cookies are placed in order to pursue different purposes, the user must have the possibility to give or refuse consent, separately for each purpose.

Refusal and Withdrawal of consent

The data subject must be able to withdraw his or her consent at any time and as easily as he or she has been able to give it.

Proof of Consent

The controllers must be able to prove the consent or refusal of the users.

Period of validity and renewal of the consent

The CNPD recommends that this period should not exceed 12 months.

Consent should be requested again in the event of a significant change in the data processing concerned, in cases where the user has changed terminal (using another device) or has deleted the registration cookies.

Attention

The following cases cannot be considered as a clear positive action:

- continuing to use the website or using an application do not constitute valid consent
- considering the configuration of the terminal accepting cookies as a sign of consent
- not unchecking a pre-ticked box
- not having made a choice when requesting consent