

Google Analytics and similar services only permitted with consent

### Third Party Website Content

If websites integrate third-party services whose providers also use personal data for their own purposes, they must obtain the consent of the users. Otherwise, the use of these services, which include Google Analytics, for example, is not permitted. The Lower Saxony State Commissioner for Data Protection points this out based on current complaints from those affected. Operators should immediately check their websites for third-party content and tracking mechanisms. Anyone who uses functions that require consent must either obtain it or remove the function. Consent is only effective if the user agrees to the data processing in a clear and informed manner. A cookie banner that assumes that simply continuing to surf the website or similar means consent is insufficient. The same applies if the consent is to be given by a box that has already been activated or revoked by removing the tick (opt-out solution). Rather, the user must actively click on the box himself (opt-in solution). This is clearly stipulated by the General Data Protection Regulation and was once again expressly confirmed by the judgment of the European Court of Justice on October 1, 2019.

In the spring of 2019, the data protection supervisory authorities of the federal and state governments published the "Orientation Guide for Providers of Telemedia". This goes into detail about the conditions under which the tracking of website visitors is permitted. The orientation guide applies in principle to all data processing by products and services that the operators of websites and apps can use - in particular for website analysis. The guidelines of the European Data Protection Board on consent and the above-mentioned judgment of the ECJ also explain the requirements that consent must meet. Older publications by the supervisory authorities are no longer valid because the legal situation and processing methods have changed.

The data protection supervisory authorities in Germany are receiving more and more complaints and information in this context. They will take this as an opportunity to initiate appropriate control procedures and to punish any violations of the General Data Protection Regulation.

For download

[Orientation guide for providers of telemedia](#)

[Press release as PDF](#)