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Press Release 23/2019

ECJ strengthens data protection consent on the Internet

With its judgment of October 1st, 2019, the European Court of Justice (ECJ) reaffirmed the great importance of data protection consent on the Internet. Accordingly, selection fields that have not been changed by the user do not meet the requirements for effective consent.

The Federal Commissioner for Data Protection and Freedom of Information, Ulrich Kelber, welcomes the court's decision: The ECJ has again emphasized the importance of free and informed data protection consent. This message is an important sign, especially in times of progressive digitization, in which it is becoming increasingly difficult to control one's own data. I assume that the legislator will take this into account in the forthcoming amendment to the Telemedia Act. A correspondingly clear legal regulation is more than overdue, especially in connection with the use of so-called cookie banners. According to today's judgment, these can no longer be used as a legally compliant basis for setting cookies.

The subject of the decision of the highest European court was the question of the conditions under which internet providers can place cookies on their users' end devices. In this context, the ECJ determined that effective data protection consent in this context also requires active behavior on the part of the person concerned. This must also refer specifically to the consent. On the other hand, it is not sufficient to confirm a preselected check box by clicking on another button, for example to take part in a competition.

Cookies are small text files that many websites place on computers or other devices when you surf the Internet. They may contain information necessary for navigating the web, but are also used to track and create profiles based on the usage behavior of individuals.

contact finder

Here you can find out in just a few clicks who is responsible for your inquiry or complaint about data protection.

public bodies

The term public body not only includes the traditional administrative authorities, but also courts, parliaments and public foundations. This also includes social insurance, such as health insurance.

company

Private companies are mostly supervised by state authorities, but there are some exceptions. Private organizations such as clubs and associations also fall into this category.

Press, radio, church

Special responsibilities apply in these areas. Churches and public broadcasters have e.g. B. via their own data protection officers. The federal and state supervisory authorities are not responsible for other organizations either.