

Integration of third-party services into websites and apps

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Due to a large number of inquiries, complaints and control suggestions, the Hessian Commissioner for Data Protection and Freedom of Information, Prof. Dr. Ronellenfitsch, to the following: With regard to the legal assessment of the integration of third-party providers on websites and apps, the federal and state supervisory authorities have in the guidance of the supervisory authorities for providers of telemedia (https://www.datenschutzkonferenz-online.de/media/oh/20190405_oh_tmg.pdf) agreed on a common legal understanding. The orientation guide applies in principle to all data processing by products and services, which website and app operators can use, in particular for website analysis and marketing. In this context, it is again pointed out that former publications, which, taking into account the legal situation, were communicated on May 25th, 2018, e.g. B. the "Notes from the Hamburg Commissioner for Data Protection and Freedom of Information on the use of Google Analytics", also due to the fact that the processing processes of Google Analytics have been continuously adapted, are outdated and are no longer represented by any federal or state supervisory authority. and app operators are obliged to prove the legality of the processing of personal data when third-party providers are involved. Certain products or services from third-party providers also process the users' personal data collected for the purposes of the respective website or app provider their own purposes. On the basis of the criteria set out in the orientation guide, the use of such services can regularly (subject to a specific examination in individual cases) not be based on statutory legal bases. Rather, such products and services can only be used in compliance with data protection on the basis of an effective consent from the user. With regard to the requirements that such consent must meet, reference is made to the guidelines of the European Data Protection Board on consent (https://www.datenschutzkonferenz-online.de/media/wp/20180410_wp259_rev01.pdf) and the current judgment of the ECJ in Proceedings "Planet49" (ECJ, ruling of 01 October 2019, C-673/17, <http://curia.europa.eu/juris/document/document.jsf?text=&docid=218462&pageIndex=0&doclang=DE&mode=lst&dir=&occ=first&part=1&cid=497860>). The supervisory authorities will examine the incoming complaints and control suggestions and will follow up on the indications of violations of the GDPR contained therein at their best discretion.

Contact for press representatives Press spokeswoman: Ms. Maria Christina Rost Press and public relations: Telephone: +49

611 1408 119The Hessian Commissioner for Data Protection and Freedom of InformationP.O. Box 316365021 Wiesbaden

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