

Bavarian State Office for

data protection supervision

Ansbach, November 15, 2019

press release

Google Analytics only with consent

Services for the statistical analysis of visitors to a website are provided by

used by many website operators in Bavaria. With some of these pro-

products such as Google Analytics, personal data of the web

site user part of a comprehensive internet profile (tracking). Then must

Consent must be obtained from website visitors.

Anyone who runs a website (homepage, online shop or company website) usually wants to

know how often it is visited, whether there are regular users, from which countries

come and what the user behavior on the site is like. This is commonly referred to as range measurement

referred to and can, after transparent information from the website visitor and a rejection

Opt-out option can also be made without their consent.

However, if the user behavior is not only used for their own purposes, but to others

Places is transferred in order to create a comprehensive "Internet profile" of the website

To be used by the visitor is referred to as tracking. Website operators need one for this

Website visitor consent.

A consent is only given and is only effective if the user has the planned

be fully informed about the processing of your user data (including who receives which data

what purpose) and then clearly agreed. A so-called cookie banner, which

believe that continuing to surf the website or similar constitutes consent is incorrect and ineffective

sat. The same also applies to pre-filled boxes in declarations of consent. With others

Words: Effective consent requires active action by the user.

"Anyone who uses software for the cross-website recording of usage behavior (tracking) such as e.g.

If you want to use Google Analytics, you can only do so if you have (effective) consent from the user

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has caught up and can prove this," says Thomas Kranig, President of the Bavarian State Office

for Data Protection Supervision (BayLDA).

The data protection supervisory authorities of the federal and state governments already have one in spring 2019

"Orientation guide for providers of telemedia¹" published and shown there under which

conditions tracking of website visitors is permitted. which contain

tene legal opinion can also be found in the judgment of the European Court of Justice (ECJ) of 1

October 2019² again.

Many website operators refer to the integration of Google Analytics or similar

Analysis tools for old, long outdated and withdrawn publications. The product

However, Google Analytics has been developed in such a way in recent years that Google

grants the right to use the data of website visitors for its own purposes.

Website operators from non-public bodies in Bavaria should immediately put their website on the

Check the use of tracking software. Anyone who uses functions that require consent may

no longer use these functions for website visitors as long as they have not given their valid consent

have declared liability. Website operators who track users without consent

a breach of data protection that can be punished with a hefty fine.

“We have received numerous complaints and reports of illegal tracking. We will this

Check entries, initiate proceedings against companies and then if the impermissible tracking

was not discontinued, but with orders to switch it off, but also in particular by

initiation of fine proceedings.” says Thomas Kranig, President of the BayLDA.

Thomas Kranig

president

1 https://www.datenschutzkonferenz-online.de/media/oh/20190405_oh_tmg.pdf

2 <http://curia.europa.eu/juris/liste.jsf?language=en&num=C-673/17>