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P r e s s e release

December 1, 2021

TTDSG comes into force: Clear rules for cookies and similar technologies

Today, December 1, 2021, the telecommunications telemedia data protection

law (TTDSG) in force. The law regulates, among other things, the protection of confidentiality and

Privacy when using telemedia such as websites, messengers or smart home

Devices.

“The TTDSG also changes the legal framework for the use of cookies and

comparable technologies,” explains Volker Brozio, Acting Head of Department

Berlin Commissioner for Data Protection and Freedom of Information. “The law creates clarity

and confirms the opinion of the data protection authority: For the use of cookies and

Similar technologies usually require the consent of the user.

As a result, providers of telemedia must check whether there is a need for adjustment

among other things, on their websites or apps.”

Most websites and apps use technologies such as cookies to

Store and manage information on users' devices. With that comes

regularly the processing of personal data, at least the IP address of the

users. This often serves not only to track the behavior of users,

but also to create personality profiles for the entire Internet use and

to enrich

The legal framework for setting and reading information

Devices are regulated in the European ePrivacy Directive. With the TTDSG, the

After a delay of more than a decade, federal legislators are now passing the specifications of the

ePrivacy Directive implemented into national law. The subsequent processing of the so

The personal data collected is in turn based on the requirements of the

General Data Protection Regulation (GDPR). Who Cookies and Similar Technologies

used, must therefore generally observe both laws.

Operators of websites and other telemedia generally need one

Consent of the users if they store information on the end device or

want to access it. In exceptional cases, consent is not required if the

Storage of and access to information in the end devices is absolutely necessary

are, so that a telemedia service expressly requested by the user can be

can be made available. This is the case, for example, with a cookie that

is used to store items from an online shop in a shopping cart.

In order to assist those responsible in the implementation of the new requirements, develop

the German data protection supervisory authorities are currently providing guidance. This should

to be released early next year.

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