

media information

Saxon data protection officer

Cross-national examination: approvals

Media company websites are mostly

ineffective - corrections required

Andreas Schurig: "Saxon media providers have to be active
will!"

The data protection supervisory authorities of several German states have

Media company websites regarding the use of cookies

and the integration of third-party services is examined. Total were based

a joint test catalog tested 49 websites in 11 countries.

The focus was on user tracking for advertising purposes. Most

of the checked websites do not meet the legal requirements

for the use of cookies and other tracking technologies. the

Media companies are thus violating the rights of their users

users to protect their personal data. Also first adjustments

the legal deficits have not yet been able to be addressed by some of those responsible
eliminate completely.

For users, there is the practice of media companies

a significant risk. The data collected as part of user tracking

personal data

especially to create and

Enrichment of comprehensive and cross-site personality profiles

used. These are used for online marketing, especially in real time

Bidding process (real-time auction of advertising space) used.

The state data protection authorities involved have an effect on the companies

their area of responsibility to ensure data protection-compliant conditions to manufacture. If necessary, they will take regulatory action seize.

For the coordinated investigation, the authorities from Baden-Württemberg, Brandenburg, Bremen, Hamburg, Hesse, Lower Saxony, North Rhine-Westphalia, Rhineland-Palatinate, Saarland, Saxony and Schleswig-Holstein from mid-August 2020 a jointly developed Questionnaires to media companies in their respective areas of responsibility. Checked were not all websites of the companies, but their widest-reaching offers. Even before the questionnaires are sent

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Data protection.

the selected websites were technically secured and analyzed. So was

a comparison between the responses of the media companies and the actual one

technical design of the pages possible. In addition to the positions already mentioned

the supervisory authority in Bavaria also participated in the evaluation of the content of the

investigation results.

A very high number of cookies and

third party services

the

used,

serve advertising financing.

The websites usually ask for differentiated consent from the users

and users for the use of cookies and third-party services. In the majority of

cases, however, these consents are not effective.

The main deficiencies identified during the audit were:

which is mainly used for user tracking and

❑ Incorrect order: Third-party services that require consent are often already integrated when the website is opened and cookies are set - so ahead of time the consent request.

❑ Missing information: On the first level, the consent banner will be displayed moreover, insufficient or incorrect information about user tracking given.

❑ Insufficient scope of consent: Even if the user has the option perceives everything already on the first level of the consent banner to refuse, numerous cookies and third-party services remain active, one require consent.

❑ No simple opt-out: While all consent banners on the first level there is a button with which a consent to All cookies and third-party services can be granted is missing at this level often an equally easy way to do that consent-requiring

Reject user tracking in its entirety or the banner without a decision to be able to close.

❑ Manipulation of users: The design of the Consent banner exhibits numerous forms of nudging. That means, Users are subliminal to give their consent urged by the consent button, for example, by a colored highlighting is designed much more conspicuously than the button to Reject or by unnecessarily complicating the refusal of consent becomes.

The Saxon Data Protection Officer Andreas Schurig explains:

“Many people use the websites of Saxon media companies every day. cookie

Banners and the integration of third-party providers sometimes cause uncertainty.

I keep getting complaints about this. My regulator

therefore has five wide-ranging online presences of Saxon media providers in relation

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scrutinized for data protection. Nor are the procedures and the

Exchange with those responsible not completed. At this point in time

itself

However, it can already be stated that the tested websites still have

Need for improvement in the design of the consent solutions, the

data transfers and the transparency of the offers for users.”

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