

'Reject All'

Photo by Igor Miske from Unsplash

'Deny all' - HmbBfDI asks to revise the cookie banners

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The Hamburg Commissioner for Data Protection and Freedom of Information (HmbBfDI) informed Google last week that the consent banners on the Google search engine pages and on YouTube currently do not meet the data protection requirements. A large number of those affected had complained to the HmbBfDI about these consent banners. After clicking on the "I agree" button, it is possible to consent to all processing of personal data on Google's offers. However, those who do not wish to give such consent only have the option of refusing the settings for each data processing individually via the "Customize" page. The data protection supervisory authorities agree that effective consent can only be given if both alternatives, i.e. consent and rejection, are equally quickly and easily accessible. This applies to all offers in Germany and Europe. The rejection procedure for the processing of personal data by Google is rated by the HmbBfDI as significantly more complex and not equivalent to consent. The procedure does not comply with the Telecommunications Telemedia Data Protection Act (TTDSG) and the General Data Protection Regulation (GDPR).

The HmbBfDI is based on a decision by the French supervisory authority CNIL, which imposed high fines on Google and Facebook at the end of last year due to the lack of an equivalent rejection alternative SAN-2021-023 of December 31, 2021.

Thomas Fuchs, the Hamburg Commissioner for Data Protection and Freedom of Information: "The consent must correspond to the actual will of the user. You must be able to exercise it without being manipulated or influenced. This is only the case if approval and rejection are equally possible. Google does not currently fulfill this, but in an initial reaction it has indicated its willingness to provide an equivalent rejection alternative in a timely manner. Overall, a "reject all button" must now become the standard for cookie banners. In connection with ongoing complaints procedures, this request was therefore also sent to other media houses."

Further information on the design of telemedia and on avoiding the manipulation of users can be found in these publications by the supervisory authorities:

Orientation guide from the supervisory authorities for providers of telemedia (PDF) (from December 1, 2021)

Guidelines 3/2022 on Dark patterns in social media platform interfaces (PDF) (EDPB)

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