

The state representative for

privacy and

Freedom of Information

PRESS RELEASE

free

Hanseatic city

Bremen

Bremerhaven, November 14, 2019

Due to current events: integration of third-party providers into websites and apps

Due to a large number of inquiries, complaints and control suggestions, the

State Commissioner for Data Protection and Freedom of Information of the Free Hanseatic City of Bremen

the following:

With regard to the legal assessment of the integration of third-party providers on websites and apps

the supervisory authorities of the federal and state governments have agreed in the orientation guide of the

supervisory authorities for providers of telemedia¹ on a common understanding of the law

agreed.

The orientation guide applies in principle to all data processing by products and services

Services that website and app operators use in particular for website analysis

can operate.

In this context, it is again pointed out that former publications,

which, taking into account the legal situation, were communicated before May 25, 2018, such as

For example, the "Notes from the HmbBfDI on the use of Google Analytics", also because

that the processing processes of Google Analytics were continuously adjusted

and are no longer represented by any federal or state supervisory authority.

Website and app operators are according to Article 5 paragraph 1 and 2 of the General Data Protection Regulation

(GDPR) obliges to ensure the legality of the processing of personal data

Evidence of third-party involvement.

If the Terms of Use or

Guidelines it is stated that processing of personal data is also to own

purposes of the provider takes place, the use of such a product (subject to a

specific assessment on a case-by-case basis) based on the criteria set out in the Guidance

have been established, the leeway that the legal basis of Article 6 paragraph 1

Letter f GDPR offers, span. Therefore, such products and services are only available

Basis of an effective consent according to Article 6 paragraph 1 letter a DSGVO

data protection compliant.

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

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to watch

With regard to the requirements that consent must meet if processing as

consent required

of the European

Data Protection Committee on consent² and the judgment of the ECJ in the "Planet49" case³

referred. The supervisory authorities examine the complaints submitted to them and

Control suggestions and the references made therein to violations of the

Pursue GDPR at our best discretion.

it will

guideline

on

the

Contact/enquiries:

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2 Guidance on consent under Regulation 2016/679 (wp 259 rev.01), page 4, available at:

https://www.datenschutzkonferenz-online.de/media/wp/20180410_wp259_rev01.pdf.

3 ECJ, judgment of 1 October 2019, C-673/17 "Planet49", available at:

[http://curia.europa.eu/juris/document/document.jsf?text=&docid=218462&pageIndex=0&doclang=EN&mode=lst
&dir=&occ=first&part=1&cid=497860](http://curia.europa.eu/juris/document/document.jsf?text=&docid=218462&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=497860).