

THE STATE COMMISSIONER FOR DATA PROTECTION AND FREEDOM OF INFORMATION

PRESS RELEASE

August 19, 2020

Cross-country data protection check: are tracking technologies on

Websites of newspaper publishers legally compliant?

At least since the judgment of the Federal Court of Justice in May of this year, everyone knows

who surf the Internet, the so-called cookie banners. Cookies and Similar Technologies

enable website operators to provide useful functions for site visitors

to provide, e.g. B. a "shopping cart" in an online shop - just for this purpose

no user consent would be required. However, tracking

Technologies also enable users to be recognized across devices and

Create and save user profiles of them. He can do this knowledge

Share operators with third parties such as advertising service providers or social networks.

As a result, information about the behavior and, for example, preferences or

purchasing power, political and religious views and other sensitive information about

the respective users are brought together from different sources. often

find the data collections outside the scope of European

data protection laws. What these data profiles are used for by the various companies

become is mostly unclear. For these applications, the consent of the

Users or the user - this should be obtained by the cookie banner. but

Do the cookie banners used meet the requirements of the

General Data Protection Regulation and give users a voluntary and

actual informed choice?

Unfortunately, often no - the data protection supervisory authorities of the countries always have to

find again. The State Commissioner for Data Protection and Freedom of Information

(LfDI) Baden-Württemberg will therefore coincide with other German

Regulatory authorities in a large-scale process online bids on a

check the legally compliant integration of tracking technologies. The exam was

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The information on the collection of personal data according to Article 13 DS-GVO can be found on our homepage

(<https://www.baden-wuerttemberg.datenschutz.de/datenschutz/>).

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prepared internationally. It is carried out in close cooperation with those involved

State data protection authorities within the respective area of responsibility

carried out with complete independence.

In a first step, the subject of this test is the Internet presence of

be a media company. These tracking services often put in particularly

extensively on their websites. Want media companies tracking

Use technologies, these can only be permitted if the user here

validly consents – i. H. informed, voluntarily, in advance, separately and in the knowledge of a

reasonable possibility to give the consent at any time with effect for the future

withdraw.

Because transferred to the analogue world, one can imagine the use of tracking

Introduce technologies like this: Companies put dossiers on everyone

individual page visitors. These record the extent to which they

or he has informed himself about which topics. This information gives the

Companies then pass this knowledge on to “partners”, who in turn share this knowledge with others

Enrich details - e.g. how long someone stands in front of which shop window and

what products he or she buys. The details are provided by detectives, the users in

Pursue business or even offices. There would be an outcry from the population

safe from such persecution. On the internet, however, many people seem to agree to have "accustomed" to such practices because they do not notice them and you often not aware of the risk potential.

The LfDI Dr. Stefan Brink on this: "Journalistic offers enjoy a special, at the same time also fragile trust on the part of the population by allowing them to freely contribute to opinion-forming. This relationship of trust should also reflect the responsible handling of user data by the media."

On the selected media houses in Baden-Württemberg with special the LfDI BW will shortly be sent to high-reach online presences.

If you have any questions, you can reach us on the telephone number 0711/615541-23.

Further information on the topic:

FAQ on cookies and tracking of the LfDI Baden-Württemberg:

<https://www.baden-wuerttemberg.datenschutz.de/faq-zu-cookies-und-tracking-2/>

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Guidance from the supervisory authorities for providers of telemedia:

<https://www.baden-wuerttemberg.datenschutz.de/orientation-help-der-regulatory-authorities-for-providers-of-telemedia/>

Further information on data protection and freedom of information can be found in the Internet at www.baden-wuerttemberg.datenschutz.de or at www.datenschutz.de.

The press release is available on the Internet at <http://www.baden-wuerttemberg.datenschutz.de>.