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EDPB updates guidelines on consent for websites

On May 5, the European Data Protection Board (EDPB) updated the guidelines on consent to the use of websites. The EDPB makes it clear that access to a web service must not depend on permission to set so-called cookies. Even the mere continued use of a page is not considered effective consent.

As a member of the EDPB, the Federal Commissioner for Data Protection and Freedom of Information (BfDI) Professor Ulrich Kelber supports the update: There are still websites whose structure forces users to be tracked. The updated guidance reiterates that consent cannot be enforced. Most cookie walls and the assumption that continuing surfing means consent contradict the aspect of voluntariness and violate the General Data Protection Regulation. I wish that those responsible draw the right conclusions from this and finally offer data protection-friendly alternatives.

A "cookie wall" is a process that requires users of an online offer to accept cookies in order to be able to use the offer.

Exceptionally, cookie walls are permitted if a comparable service is also offered without tracking, for example as a paid service.

Merely scrolling or continuing to surf on a website, on the other hand, does not constitute consent. According to the guidelines of the EDPB, there is no clearly confirmatory action here.

The EDPB has already published the updated guidelines in English.

contact finder

Here you can find out in just a few clicks who is responsible for your inquiry or complaint about data protection.

public bodies

The term public body not only includes the traditional administrative authorities, but also courts, parliaments and public foundations. This also includes social insurance, such as health insurance.

company

Private companies are mostly supervised by state authorities, but there are some exceptions. Private organizations such as clubs and associations also fall into this category.

Press, radio, church

Special responsibilities apply in these areas. Churches and public broadcasters have e.g. B. via their own data protection officers. The federal and state supervisory authorities are not responsible for other organizations either.