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Consent to cookies - website operators must act now!

In its judgment of October 1, 2019, the European Court of Justice clarified that website operators may only use cookies with the active and voluntary consent of the user. Information about the functional life of the cookies and the possibility of third parties accessing the collected data is essential for this. The European Court of Justice declared default consents to be inadmissible.

Cookies are small files that website operators store on the user's computer. The focus of criticism is on cookies that are not required for the functionality of websites. These serve the operators, for example, to analyze the surfing behavior or the preferences of site visitors or are used for the purpose of personalized advertising. In some cases, such information is passed on to third parties on a large scale. Dagmar Hartge:

The judgment answers the long-controversial question of how cookies can be used in accordance with data protection - and with welcome clarity. Public authorities as well as companies and associations in Brandenburg that use cookies on their websites are called upon to take action now: They must check the cookie functions of their websites, design understandable options for users and their data protection and cookie notices revise.

Many German providers have not yet provided active consent. For example, numerous cookie banners generally state that by continuing to use a website, you agree to the use of cookies, or a corresponding box is already ticked. Clearly, this approach is no longer tenable. With its clarification that users in Germany also have the right to actively decide on the use of cookies, the European Court of Justice is making a significant contribution to the implementation of the General Data Protection Regulation. The judgment confirms the previously held view of the data protection supervisory authorities.

The full text of the judgment of the European Court of Justice of 1 October 2019 (Case C-673/17) is available at <https://curia.europa.eu>. The independent data protection authorities of the federal and state governments provide providers of telemedia with guidance on how to adapt their Internet offerings. It can be downloaded from [www.lida.brandenburg.de](http://www.lida.brandenburg.de).

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