

EXPLORE THE FACTSHEET ON

German Data Protection

An overview of German User Privacy and Data Protection regulations and policies with a focus on Digital Marketing.

GDPR

General Data Protection Regulation (GDPR) applies since May 25th, 2018 and enforces every EU citizen's fundamental right to protection of their personal data.



GDPR

- Is prioritized over national law;
- Complimented by BDSG-neu (Bundesdatenschutzgesetz-neu);
- Prioritized **under** the e-Privacy directive;
- Exceptions regulated by UWG and TTDSG.

Key Concepts of GDPR:

- **Right of access:** the right to access your PD and know how it's stored;
- **Right to be forgotten:** the right to request erasure of your PD;
- **Data Protection Officer** must be employed by public authorities or businesses;
- **Pseudonymisation:** PII stored in unidentifiable way.

PII can be processed ONLY if:

- **Fulfill** contractual obligations;
- **Comply** with data controller's legal obligations;
- **Official** authority;
- **Legitimate** interest;
- **Consent.**



Consent Requirements:

- Must be explicit (opt-in), informed, plainly-worded, specific;
- Must be easy to withdraw;
- Data Controller must provide service for users who are not opted-in.

ePrivacy Directive key concepts:

- Data-retention: companies must delete or anonymize customer data when no longer needed;
- Unsolicited communication: use of email addresses for marketing is prohibited without consent;
- Browser storage: user must consent before non-necessary data (e.g. cookies) are stored in their browser.

Digital Marketing meets

GDPR

Explore the key principles of GDPR-compliant marketing practices & implementation.

European Data Protection Board Guidelines

RECOGNIZE THE DARK PATTERNS

Stirring

Affects the choice users make by appealing to their emotions.

Skipping

Users don't see data protection aspects.

Overloading

Users are confronted with large quantity of requests & information.

Left in the dark

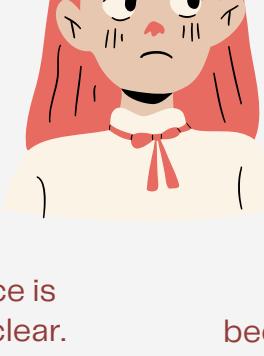
Interface designed to hide information and control tools/leave users unsure of how their data is processed.

Fickle

Design of the interface is inconsistent and not clear.

Hindering

Preventing users from becoming informed/managing their data.



70%

*Of EU-citizens are worried about inappropriate use and sharing of personal data,

66%

about the collection of online data without explicit knowledge or agreement,

57%

about cookies' installation.

700+

*Complaints about unlawful cookie banners filed by noyb.



300.000€

*Fines for violation of TTDSG.

Illegal Practices in “Cookie Banners”

Missing **Reject** option on the same level as **Accept** option.

Reject link instead of a visible **button**.



No omnipresent option to **withdraw or adjust consent**.

Pre-ticked boxes for unnecessary categories.

Nudging, using **different colors** for options.

Legitimate interest for non-necessary technologies.

References:

Telekommunikation-Telemedien-Datenschutz-Gesetz: <https://dejure.org/gesetze/TTDSG/28.html>
European Commission: https://ec.europa.eu/commission/presscorner/detail/e/ip_23_1891

noyb: <https://noyb.eu/en/data-protection-authorities-support-noybs-call-fair-yesno-cookie-banners>