

## Cookies and Other Tracking Tools

Cookies are "mini-files" and can be placed on your device connected to the internet, such as a computer, telephone, tablet or smart TV. Cookies can be used to collect or store information about how you behave on a website and/or on your device. The "reading" of these cookies allows the websites that have placed them to request information stored therein.

Those in charge of websites or mobile applications that want cookies install and/or read on any of your internet-connected devices, you must clearly and simply explain what these cookies do and why they want to use it and placing and/or reading these cookies. Your consent must be a clear, positive action. However, there are two types of situations in which to place or read cookies, your consent should not be obtained:

- When cookies are absolutely necessary to fulfill an expressly requested provide a service (such as, for example, cookies that enable your shopping cart or cookies that are used to protect the security of a bank application).
- When cookies are absolutely necessary to send a message via an electronic communication network (such as, for example, cookies for load balancing).

### Understanding what a cookie is

When you log on to the net, you exchange electronic messages with the server associated with the "web" is connected. These messages contain headers and are necessary for the correct course of the dialogue. Those headers contain "mini-files" that can be saved to either your workstation as on the server of the visited website. Originally a cookie was a mini file to allow communication between your device (computer, smartphone, tablet ...) and the server of the website. The cookie in its strict sense was given a standard definition (RFC 6262 from Internet Engineering Task Force) and fulfills the role of a witness a transaction by storing certain information. Sometimes people speak French about "témoins de connexion" or "login witnesses".

In the meantime, as a result of technological evolution, the cookies were used for new purposes: to improve the performance of the site, to increase the number of visitors of the measure the website and collect statistics, to store the preferences of the users (especially the choice of language), to save a shopping cart, to be able to target advertising

send... Parallel to this evolution are other technical means - such as invisible pixels or "web bugs" - fine-tuned to develop the functionalities specific to cookies. That is why we are talking about cookies and other trackers here.

These cookies and other trackers can be distinguished on the basis of different criteria, such as the purpose for which they are used, the domain placing them on your device or their lifespan.

### DISTINCTION FOR THE PURPOSE OF THE COOKIE

Cookies can be used for many different purposes. They can under are more used to support communication over the network (login cookies), to measure the audience of a website (visitor number cookies, also known as "analytical" cookies cookies" or "statistical cookies"), for behavioral marketing and/or advertising, for authentication purposes, for website security, for load balancing, for to personalize the user interface or to enable the use of a media player create (flash cookies).

### DISTINCTION BY THE DOMAIN THAT PLACES THE COOKIE ON YOUR DEVICE: "FIRST PARTY" COOKIES AND "THIRD PARTY" COOKIES (OR THIRD PARTY COOKIES")

The "first party" cookies are placed directly in the browser's address bar by the registered domain. In other words, it concerns cookies that the owner of the website you visit directly. The "third party" cookies are placed by a domain that is different from the domain you are visiting. This occurs when the website incorporate elements from other websites, such as images, social media "plugins" (such as the Facebook "like button" ) or ads. When these elements are scanned by the browser or other software are retrieved from other websites, these websites may also use cookies places that can then be read by the websites that have posted them. This one "third party cookies" enable these third parties to track the behavior of internet users in the over time and on numerous websites and based on this data profiles of people (profiling), so that they are more accurate and targeted in the future marketing during the future surfing sessions of these internet users, who are on be detected that way.

### DISTINCTION BY THE LIFETIME OF THE COOKIE: "SESSION COOKIES" AND "PERSISTENT COOKIES" (OR "PERMANENT COOKIES" COOKIES")

The "session cookies" are automatically deleted when you close your browser, while the "persistent cookies" are stored in your device (computer, smartphone, tablet...) until a predetermined expiration date (which can be expressed in minutes, days, or years).

### Know your rights when placing and/or reading cookies

In most cases, a cookie or other tracker may only be installed or read on any of your devices if you have been clearly and simply informed beforehand about what this cookies do and why they are used and if you have subsequently consented to them its use.

The obligation to inform you and obtain your consent applies to all cookies and other similar technologies that allow information to be stored or accessed access information already stored on one of your devices, regardless of whether the stored information concerns personal data.

However, there are two situations in which the placing and reading of cookies should not be preceded by your consent:

- When cookies are absolutely necessary to fulfill an expressly requested provide a service (such as, for example, cookies that enable your shopping cart or cookies that are used to protect the security of a bank application).
- When cookies are absolutely necessary to enable the transmission of a communication via an electronic communications network (such as, for example, cookies that make it possible to display the necessary indications in encrypted exchanges and the identifiers of a transaction or the performance or load balancing cookies, on provided they are only analyzed anonymously).

### A valid permission

The permission that internet users must give before posting or reading of "non-functional" cookies and other similar technologies, in order to be valid, meet the general legality conditions of the consent as referred to in the GDPR.

Consent must be demonstrated by positive action on your part, such as clicking or dragging a button, after you have been notified of the consequences of your choice. So your consent is not valid if it is collected through a standard checkbox that you must uncheck to refuse to give your consent. Nor can your consent be derived from the mere fact that you continue to surf the website or from the fact that you have read the terms and conditions for the use of a website or a mobile

application accepted. The owner of the website or mobile application may have your consent also not deduce from the settings of your browser, because it is not (yet) possible to browser settings to make a choice per cookie purpose.

Your consent must be obtained before cookies can be placed or read turn into

No "non-functional" cookie should be placed on your computer, smartphone or tablet posted or read until you have given your consent.

It must be informed consent

Before being asked to give your consent, you must have accurate information received about the controller, the purposes of the cookies and other trackers that are placed and/or read, the data they collect and their lifetime. The information should also relate to your rights that the GDPR grants you, including the right to withdraw your consent.

The information must be visible, complete and marked. It must be written in simple words that can be understood by any user. In particular, this means that the information should be written in a language that is easy to understand for the "target audience" for whom the information is intended. In practice, if the website you are visiting is aimed at a teenage audience, the website should use language that is simple enough to be understood by that target audience. In the same logic, if the website is aimed at a French-speaking and/or Dutch-speaking public, the information must be in French and/or Dutch be written.

Your consent is only valid if you can make a realistic choice

You must be able to accept the placing of cookies for each request and each website or refuse, without any restriction, pressure or outside influence. In particular, this requirement means that you cannot be denied certain services or benefits on the grounds that you do not have consented to the use of "non-functional" cookies". The person who refuses a cookie requiring permission must be able to continue to enjoy the service, such as access to a website.

Your consent must be specific

The AVG requires that the permission, also for the placement and reading of cookies, is specific, ie that this consent is given for a well-defined (specific) data processing. The fact that you activate the button to join a game, a confirms purchase or accepts terms and conditions is therefore not sufficient to assume that you have validly consented to the placing of cookies. Nor can

consent is given for the "use" of cookies only, without further specification of the data collected via these cookies or the purposes for which the data are collected. The GDPR requires a more detailed choice than a simple "all or nothing", but does not require consent for each cookie individually. If the owner of a website or mobile application requests your consent for more than one type of cookie, you must have the choice to give (or refuse) your consent to any type of cookie, or even, in a second layer of information, for each cookie separately.

You must be able to withdraw your consent

You should be able to withdraw your consent as easily as you could have given it. In addition, it is necessary that you are informed of this possibility on the when you give your consent.

### The lifespan of cookies

The information stored on your device (computer, smartphone, tablet...) and cookies, may not be kept for longer than the time necessary to fulfill the intended purpose to achieve. This retention period may therefore not be indefinite. The collected and stored information contained in a cookie and the information collected after reading the cookie must be deleted as soon as it is no longer necessary for the intended purpose.

However, it is not always possible to delete cookies and metafiles in time, for example in the event of an unexpected interruption of communication. If cookie policy should then clearly explain how these cookies and metafiles can be deleted (for example: delete function of cookies provided by each browser).

A cookie that is exempt from the consent requirement must have a lifespan that directly related to the purpose for which it is used and must be set to expire as soon as it is no longer necessary, taking into account reasonable expectations of the average user. Cookies that are exempt from consent will therefore likely to expire when the browser session ends or even earlier. But, that's not always the case. For example, in the shopping cart scenario, a retailer can set the cookie like this that it remains after the end of the browser session or for a few hours to account take into account that the user may accidentally close the browser and may reasonably expect to find the contents of the shopping cart when it arrives a few minutes later returns to the retailer's website. In other cases, the user can use the service expressly request to remember certain information from one session to another, which require the use of persistent cookies.

### QUESTIONS

[Should websites or mobile applications that use cookies ask your permission?](#)

Yes, unless they only use "functional cookies".

A cookie is qualified as "functional" when it is necessary to transmit or transmit a communication over an electronic communications network provide a service that you have expressly requested.

Here are some examples of "functional cookies" that do not require consent to give :

- Cookies that you activated and that are set for the duration of a session, or permanent cookies, which in some cases are limited to a few hours, and which are used to keep track of the information you entered when filling out online forms with multiple pages or to remember the items in a shopping cart that you click the button has selected.
- Authentication cookies used for authenticated services (for example a website that offers online banking), for the duration of a session.
- User-oriented security cookies that serve the security of the service that you have expressly requested and which are used for the detecting abusive authentication, for a repeated limited duration.
- Session cookies created by a media player, such as flash player cookies, for a duration of a session.
- Load balancing session cookies, for the duration of a session.
- Persistent cookies for customizing the user interface (such as language preference or cookies for displaying results), for the duration of a session (or slightly longer).

Your permission is not required to place and/or read these functional cookies. YOU however, should be given clear and accurate information about what these cookies do and why the person responsible for the website or application uses it. For the placing and/or reading all other cookies, ie "non-functional" cookies, it is necessary to obtain your consent and you must first be informed about the purposes of these cookies and about the rights that the GDPR grants you.

[Can your consent be validly inferred from the settings from your web browser?](#)

No.

The continuation of surfing cannot be considered a valid consent for the installation and reading of the "non-functional" cookies. The consent you must give for the placing (and viewing) of such cookies must indeed, in order to be valid, comply with the general legality conditions of the consent as set out in the GDPR.

It follows that this permission is only valid if it is the result of an active step on your part, such as a click or activating a button by dragging. So your permission is not valid if collected through a standard checkbox that you must uncheck to refuse to give your consent. This consent must also be informed which means that the active action requested from you must be preceded by providing clear and complete information about the types of cookies that are used placed and the consequences of placing these cookies on the future use of your personal data

The GDPR also requires that the permission for placing cookies is specifically so that the fact that a user activates the game button, confirms a purchase or accepts the terms and conditions is not sufficient to assume that he has lawful consent given for placing cookies. Finally, consent must be free and unforced to be. In particular, this requirement means that you cannot be offered certain services or benefits voordelen denied on the grounds that you have not consented to the use of "non-functional" cookies.

### What are your rights in relation to cookies?

You have several specific rights with regard to the installation and reading of cookies and other trackers on your devices (computer, smartphone, tablet...):

- You have the right to give or deny your consent before using "non-functional" install and read cookies on or from your device, without using certain services or benefits are denied on the grounds that you have not agreed to it use of "non-functional" cookies. In addition, your consent must be specific, ie your consent must be requested for any type of purpose for which cookies

are used and that you may only give permission for certain purposes and not for others.

- You have the right to withdraw your consent at any time and this should be the same be as simple as the way you were asked to consent.
- You have the right to receive clear and precise information, in particular about the controller, about the purposes of the cookies and other trackers that are or will be placed and/or read on or from your device, about the data they collect and about its lifetime. This right to information exists regardless of the type of cookies ("functional or non-functional") placed on your device posted or read.

- If cookies enable the processing of personal data, such as almost is systematically the case, you enjoy all the rights enshrined in the GDPR (right of access, rectification, deletion, restriction of processing, portability of data, resistance, ...). You are therefore entitled to clear and precise information about these rights.
- If you feel that any of your rights have not been respected, you have the right to lodge a complaint to be submitted to the GBA.

[What tools do you have available to limit cookies? avoid or remove?](#)

Among the existing options, you can use the "private browser" mode that available on major PC or mobile browsers (including Edge, Internet Explorer, Chrome, Firefox, Safari or Opera). The browsing information (passwords, cookies, forms, cached content and various histories) will be cleared when you browser closes. This option therefore makes it possible not to leave any surf marks behind on your computer (or other mobile device), once the session has ended. So it does not prevent that cookies are placed and read while surfing, nor does it erase the traces that left behind during your previous surfing sessions.

To do this, you can use other tools provided by browsers.

This way you can save and read the future in the configuration settings of your browser permanently allow or deny cookies on or from your device. The granularity of the choices offered (third-party cookies, first-party cookie, retention period, etc.) depend on the browser and the operating system. This action does not affect the information already stored. However, it may affect login credentials to certain websites, the performance of prevent certain functionalities and a reconnection/re-identification with these sites require.

Finally, in the configuration settings you can also delete the already existing on your device delete browsing data (including cookies). Depending on the browser, it is possible to delete data based on their seniority, nature and/or the site visited. Not all browsers allow you to view stored cookies in detail or delete them individually.

To help you manage these cookies and other trackers and prevent the invasion of your privacy limit, you can install extensions and add-ons available through your browser on your computer. As an example we mention 'Cookie Manager' (by Rob W) on Firefox, 'Privacy Badger' (by EFF) on Opera, Chrome and Firefox, 'uBlock Origin' (by R. Hill) and 'Ghostery' on Firefox, Chrome, Opera, Edge and Safari.

Ghostery is part of the ad blockers (ad blockers). This extension prevents i.e. the execution of certain scripts that also endanger the privacy of the user user (cookies, social network buttons, depending on the parameters chosen). Ad blockers are also available for mobile phones as apps like 'AdBlock' (by Betafish - not to be confused with AdBlock Plus) and 'AdLock' for Android or 'iBlocker X' for iOS.

On mobile phones (Android and iOS), the user may consider installing an additional browser install more privacy-oriented (browser privacy), such as DuckDuckGo Privacy Browser', Ghostery Privacy Browser', Brave' or 'Firefox Focus'.

Although its presence on the web is decreasing every day, it is worth checking out the Mention 'Flash Player' used within the web pages to play multimedia content see. The cookies resulting from their use are not visible to the browser, which cannot manage or delete it. Due to the technology used (local shared objects), however, they have a greater potential to invade privacy. The confidentiality parameterization is done through a specific application available on the Adobe website.

The ad networks have regrouped to the platform "[your online choices](#)" on to centrally determine certain behavioral advertising preferences.

[Are websites allowed to place "cookie walls"?](#)

No.

Placing a "cookiewall" - which is a practice to restrict access to a website or mobile application for those who do not agree to the installation of "non-functional" cookies - does not comply with the GDPR. This practice prevents namely that you can give a free consent, since you are obliged to give consent to install and/or read cookies to access the website or mobile application.