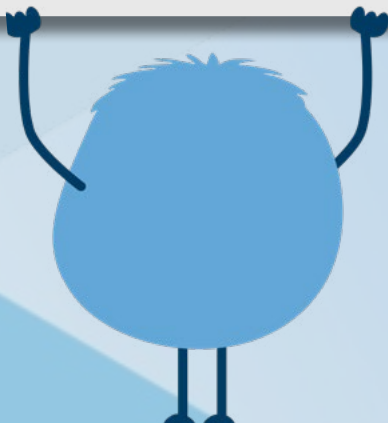
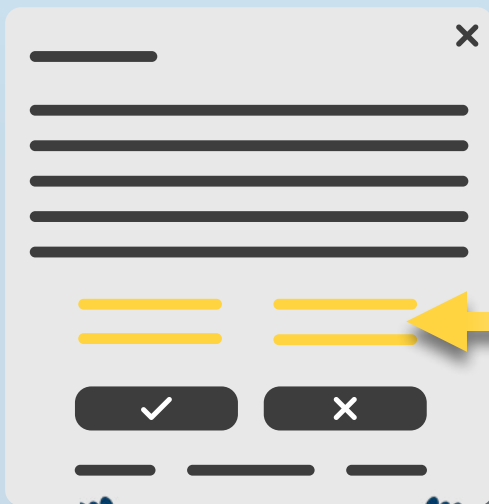


# Cookie Banner Checklist

## First layer



1

## Content

Provide information in simple & clear language about:

### ✓ Do:

- ☐ A headline that makes it clear that the website asks for consent for cookies and data processing
- ☐ The text includes info on examples/categories of processed data (e.g. IP, device information, browsing behavior, ...)
- ☐ Description of the purposes (Art. 4 Nr. 11, 5 Para. 1 lit. b, 6 Para. 1 lit. a GDPR)
- ☐ Information that data processing & cookies is also carried out by third parties (Art. 4 Nr. 11 GDPR)
- ☐ Number of third parties
- ☐ Whether data may be processed outside of the EU
- ☐ Whether data from different sources are combined (Art. 7 Para. 4 GDPR, ErwGr. 42, 43 GDPR)
- ☐ Information that consent is optional/not required to use the service (Art. 7 Para. 3, Para. 4 GDPR)
- ☐ How to revoke consent and possible consequences (Art. 7 Para. 3, Para. 4 GDPR)

### ✗ Don't:

- ☐ Avoid non-specific headlines (e.g. "We use cookies")

## Purposes

### ✓ Do:

- ☐ Include information about why personal data is being processed and cookies are being set (Art. 4 Nr. 11, 5 Para. 1 lit. b, 6 Para. 1 lit. a GDPR)
- ☐ The purposes need to be specific and clear

### ✗ Don't:

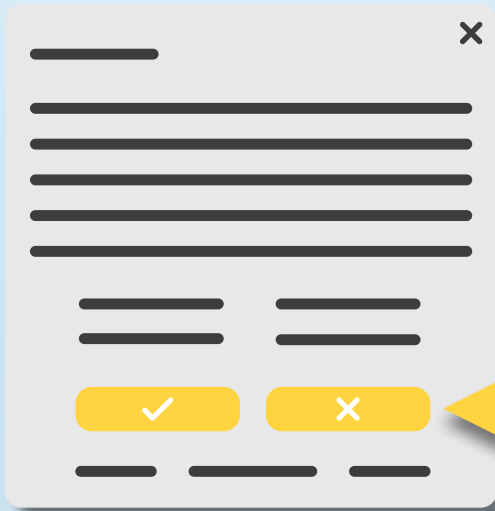
- ☐ Don't use pre-ticked boxes (ECJ, Urt. v. 1.10.2019 – C-673/17 – „Planet49“, ErwGr. 32 GDPR)
- ☐ Avoid broad definitions and wording

### Rephrase purposes such as:

- ★ "Marketing" → "Profiling & targeting of online marketing"
- ★ "Analytics / Measurement" → "Measurement for Marketing"
- ★ "Social Media" → "Embedding external content" (LfDI BaWü)

# Cookie Banner Checklist

## First layer



### Buttons

#### ✓ Do:

- ☐ Clear choice between acceptance and refusal (ErwGr. 42, 43 GDPR)
- ☐ Always show the accept AND reject buttons!
- ☐ Clear naming of the buttons (e.g. "Accept" and "Reject")
- ☐ Both options in the same design and of equal importance
- ☐ Rejecting must be as easy as accepting
- ☐ Optional: Age verification for websites / apps aimed at under 16s (e.g. in DE) or under 13s (UK) (Art. 8 Para. 2 GDPR)

#### ✗ Don't:

- ☐ No preference for any of the buttons (No "Dark-Patterns")
- ☐ No "Accept + Settings" or "Accept + Customize"

### Other things

#### ✓ Do:

- ☐ Allow customisation ("granular choices") using "Settings" or "Customise". Can be a button or a link
- ☐ Add links to privacy policy, T&C, imprint and more
- ☐ Do not show consent layer on T&C, imprint and privacy policy pages (§ 5 TMG, § 305 Para. 2, § 312i, 312j BGB; Art. 12 Para. 1 GDPR, Art. 7 Para. 2, Art. 7 Para. 4 GDPR)
- ☐ Browser & app signals (e.g. Do-Not-Track, ATT, GPC, ADPC, ...) should be considered (e.g. do not ask for marketing-consent when sending DNT) (Art. 21 Para. 5 GDPR)

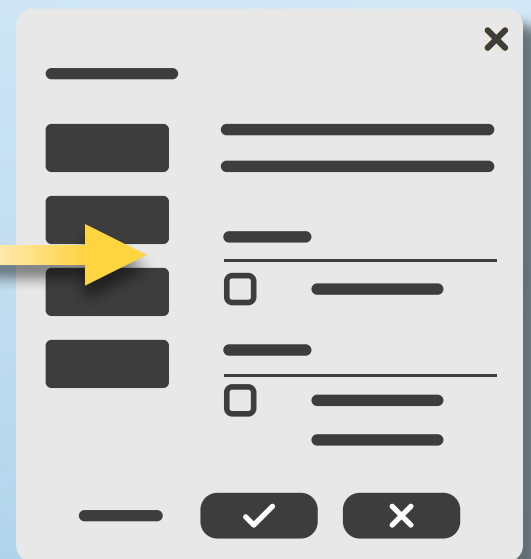
# Cookie Banner Checklist

## Second layer

### General

#### ✓ Do:

- ☐ All purposes should have an precise description of the processing (Art. 5 Para. 1 lit. b, 13 Para. 1 GDPR)
- ☐ List of all third party vendors as recipients of the data, including relevant sub-processors (Art. 4 Nr. 11 GDPR, Art. 13 Para. 1 GDPR)
- ☐ List of all cookies, including the storage period and category (ECJ, Urt. v. 1.10.2019 – C-673/17 – „Planet49“)
- ☐ Allow granular choices for purposes and vendors (Art. 7 Para. 4, ErwGr. 42, 43 GDPR)
- ☐ Include information about the data controller (usually your company) and, if available, the data protection officer (Art. 13 Para. 1 a+b GDPR)
- ☐ Possibility of withdrawal of consent at any time (“Reject all” button) (Art. 7 Para. 3 S. 4 GDPR)



### Technical recommendations

#### ✓ Do:

- ☐ All non-essential vendors & cookies need to be blocked until consent is given (check with crawler)
- ☐ Logging when (date / time, if necessary IP address) and how consent was given (Art. 7 Para. 1 GDPR)
- ☐ Logging of the version and changes in design or text of the cookie banner (Art. 7 Para. 1 GDPR)

#### ✗ Don't:

- ☐ Consent-cookies must not contain a user id
- ☐ Cookies for marketing & analysis purposes cannot be set automatically without consent as they do not fall under the category of “legitimate interest”



# Cookie Banner Checklist

## Second layer

### Vendor Information (All vendors)

List all the vendors, with the following details for each one:

✓ Do:

- ☐ **Company name** (Art. 4 Nr. 11 GDPR, Art. 13 Para. 1 GDPR, ECJ, Urt. v. 1.10.2019 – C-673/17 – „Planet49“ Specification of recipients required)
- ☐ **Address** (Art. 4 Nr. 11 GDPR, Art. 13 Para. 1 GDPR)
- ☐ **Legal bases** (Art. 6 Para. 1 GDPR)
- ☐ **Purposes** (Art. 5 Para. 1 lit. b, 13 Para. 1 GDPR)
- ☐ **Description of the data processing** (Art. 13 Para. 1 GDPR)
- ☐ **Categories of the processed data** (Art. 15 Para. 1 b GDPR)
- ☐ **List of cookies and similar technologies, including duration of storage** (ECJ, Urt. v. 1.10.2019 – C-673/17 – „Planet49“)

### Vendor Information (Non-EU vendors)

✓ Do:

- ☐ Add note if the vendors are located or process the data outside of the EU
- ☐ The transfer or processing of data outside of the EU may be subject to (additional) consent
- ☐ Use our cookie crawler recommendations

**Important:**

Using a data-center/server owned by a US-vendor may not be GDPR-compliant and/or require your consent, even if the servers are located in the EU



**Important:**

Only 100% correct is compliant.  
A “95% correct cookie banner” is still not compliant!

