

Do you use cookies to process personal data?

If relying on **consent**, are you aware of the legal requirements?

GDPR

Where processing is based on consent of the data subject, the controller should be able to demonstrate that such consent is freely given, specific, informed, and an unambiguous indication, through a statement or a clear affirmative action.

(Article 7(1) r.w. Art 4(11))

ePrivacy Directive

Prior to placing (non-essential) cookies on the terminal equipment of a user to process their personal data, the controller should provide clear and comprehensive information to the user, along with the option to refuse such placement.

(Article 5(3))

Digital Services Act

Interfaces of “Online Platforms” should not be designed, organized, or operated in a deceptive or manipulative manner that would materially distort or impact the ability of its users to provide free and informed consent.

(Art 25(1))

EDPB Guidelines 03/2022

The Guidelines acknowledge that use of deceptive design patterns by social media platforms can violate GDPR requirements, by hindering the user’s ability to make conscious choices.

Sounds complicated? Think about the following:

- 🍪 Do you obtain valid consent for non-essential cookies?
- 🍪 Is your cookie banner deceptive or manipulative?
- 🍪 Do you provide control over the cookie settings to your users?
- 🍪 Is your cookie statement clear and comprehensive?
- 🍪 Do your cookies transfer personal data outside of the EU?

CONSIDERATI CAN HELP!

We are experts in reviewing cookie banners, cookie settings and cookie statements with regard to consent and transparency requirements under the EU legal framework. We help organisations avoid fines, and achieve compliance by providing practical advice on how to use cookies in a privacy-friendly manner.