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Cookies and GDPR consent: What you need to know

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MATERIAL

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A FEW REMARKS

- Please post your questions anytime via the "Q&A" button

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- One hour duration

- Disclaimer: This webinar cannot to be considered one-to-one legal advice. Furthermore, the webinar may contain simplifications.

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AGENDA

Cookie and the GDPR, rules by country, Cookie Preference Logs

Best practice setup, third party requirements to keep in mind

Live-Demo

Q&A

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Cookies and GDPR consent: What you need to know

WHAT ARE COOKIES?

A cookie is a **small piece of data** that is sent from a website or app and often stored on a user's computer via their web browser.

Cookies can be **first-party** (cookies actually produced by your website or app) or **third-party** (produced by third-party services like widgets, iframes, scripts etc.)

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WHY DO NEED TO MANAGE COOKIES?

- Cookies often process personal data
- If you have an app or website that targets European users, you need to manage cookies

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WHICH LAWS GOVERN COOKIES?

Cookies are governed by both the ePrivacy Directive (so-called Cookie Law) and the General Data Protection Regulation (GDPR)

- Why two laws?

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DIRECTIVE VS REGULATION

Generally, **directives** set certain agreed-upon guidelines in place, with individual countries choosing how to implement these directives into national legislation.

Regulations, on the other hand, are legally binding across all Member States from the moment they are put into effect and they are enforced according to union-wide established rules.

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DIRECTIVE VS REGULATION

Because cookies are governed by both the GDPR and ePrivacy Directive, "cookie rules", while mostly similar, can vary slightly from country to country.

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E-PRIVACY DIRECTIVE

Generally, you must:

- display a clearly visible cookie banner/ notice at the user's first visit
- provide a link in the banner to a more detailed cookie policy;
- block all non-exempt cookies and scripts from being run until after consent is received;
- collect consent via an explicit opt-in action; and
- be able to prove consent

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GDPR

In general:

- you must have a valid legal basis;
- get informed, explicit, freely given consent;
- make it as easy to withdraw consent as it is to give it;
- you must have GDPR records/ proof of consent;
- honour user rights

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MAIN POINTS OF VARIANCE

- Cookie lifetime
- Explicit accept and reject options
- Granular/per-category consent
- Explicit consent: consent on scroll and continued navigation
- Other legal bases: legitimate interest*

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MAIN POINTS OF VARIANCE: Third-party considerations

- Other considerations: Google personalized ads

  - Purposes & "Limited ads"

  - "Applicable law"

MAIN POINTS OF VARIANCE CONTINUED

- Consent requirement for analytics cookies

- Cookie Walls

- Proof/ Records of consent*

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MAIN POINTS OF VARIANCE: Proof vs Records/ GDPR proof of consent

Simple proof - showing that an event happened or did not happen

GDPR proof of consent - Records must include:
- who provided the consent;
- when and how consent was acquired from the individual user;
- the consent collection form they were presented with at the time of the collection;
- which conditions and legal documents were applicable at the time that the consent was acquired.

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WHY COOKIE PREFERENCE LOGS?

- Automatically logs user *preferences**

- Maintains user anonymity as legally required

- Integrated with the Cookie Solution

- GPDR compliant consent records (avoid having to re-ask for consent)

- Convenient dashboard

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BEST PRACTICE

- Play it safe (e.g. analytics)

- Use legitimate means to maximise consent (e.g. purposes)

- Verifiable consent

- Default cookie lifetimes

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IUBENDA COOKIE SOLUTION

A complete system for cookie banner, prior blocking and getting and recording consent

IUBENDA COOKIE SOLUTION

customisable cookie banner

consent and preference saving

blocking and reactivation of scripts without a page refresh

8 languages available

advanced cookie consent analytics

hosted on Akamai

One-click activation for CCPA

Auto detect location to apply correct legal standards

Fully customizable

plugins for CMS systems (Wordpress, Joomla!, PrestaShop, Magento)

Fully integrated IAB TCF

Live-Demo

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