
Brussels, 15 December 2011

ARTICLE 29 DATA PROTECTION WORKING PARTY

The Article 29 Working Party held its 83rd plenary meeting on 8 and 9 December 2011 in Brussels

- Online behavioural advertising: industry proposed solutions inadequate

As part of the efforts to support a consistent and coherent implementation of the ePrivacy Directive throughout the EU, the Working Party has adopted an opinion on the On-line Behavioural Advertising Self Regulatory Framework proposed by the EASA¹ and IAB Europe².

In the opinion the Working Party welcomes the self-regulatory initiatives of the Industry in the area of behavioural advertising. It concludes however that adherence to the EASA/IAB Code on online behavioural advertising and participation in the website www.youronlinechoices.eu does not result in compliance with the current e-Privacy Directive.

Moreover, the Working Party stresses that the Code and the website create the wrong presumption that it is possible to choose not to be tracked while surfing the Web. This wrong presumption can be damaging to users, but also to the industry if they believe that by applying the Code they meet the requirements of the Directive.

As stated in its earlier opinion on behavioural advertising, the Article 29 WP does not question the economic benefits that behavioural advertising may bring, but it firmly believes that such practices must not be carried out at the expense of individuals' rights to privacy and data protection. The EU data protection regulatory framework sets forth specific safeguards which must be respected.

The advertising industry needs to comply with the precise requirements of the e-Privacy Directive and the adopted opinion shows that many practical solutions are available to ensure a good level of compliance together with a good user experience.

European data protection authorities have the task to ensure compliance and will, where necessary, enforce on the basis of the law. Therefore a situation in which companies invest in abiding by a code that does not comply with European and national legal requirements, should be avoided.

Background information

The European Data Protection Authorities (the Article 29 Working Party on the Protection of Individuals with regard to the Processing of Personal Data) is an independent advisory body on data protection and privacy, set up under Article 29 of the Data Protection Directive 95/46/EC. It is composed of representatives from the national data protection authorities of the EU Member States, the European Data Protection Supervisor and the

¹ European Advertising Standards Alliance

² Interactive Advertising Bureau Europe

European Commission. Its tasks are described in Article 30 of Directive 95/46/EC and Article 15 of Directive 2002/58/EC. The Article 29 Working Party is competent to examine any question covering the application of the data protection directives in order to contribute to the uniform application of the directives. It carries out this task by issuing recommendations, opinions and working documents.

http://ec.europa.eu/justice/data-protection/index_en.htm