

Claire Bury at the Digital Leaders Council (DLC) of IAB Europe - 28/03/2017

Townsend Feehan, CEO of IAB Europe introduced the speech of Claire by summarising the concerns that the advertising industry has given the new challenges they are facing both technologically and legally. Generally speaking this industry considers that the GDPR provides an adequate framework for the processing of personal data and that there is no further need of maintaining the consent rule for ensuring confidentiality of smart devices (old so called "cookie" consent).

Claire Bury presented the state of play of the key relevant DSM actions as well as highlighted the forthcoming mid-term review objectives. The presentation was well perceived by the audience, despite their clear opposition to proposal for an the ePrivacy regulation.

While the various members that took the floor acknowledged the importance of ensuring citizens are in control of their data, the general trend was to stress the usefulness of the legitimate interest legal basis under the GDPR (e.g. Google and IAB Europe). The rationale behind article 8 and its new drafting was also question as to its relationship with the GDPR.

The Commission recalled the difference and specific objectives of the new proposal as to ensure confidentiality of communication and of smart devices that are part of the privacy sphere, recalling the views of citizens expressed in a recent Eurobarometer survey (92% of citizens want to be asked their permission before one can access data on their smart devices).

IAB and other members welcomed the clarification made by the proposal as regards so called anti- ad blockers that allow them to check whether their content can be received by internet users. They also welcomed the fact that the Commission did not follow the EDPS in its call to prohibit cookie walls. Websites should have the right to refuse access to their online content if an internet user refuse the storing of cookies (bargain relationship).

As regards the need to increase internet users awareness about targeting advertising, IAB Europe argued that the surveys conducted throughout the EU has shown that when internet users click on the icon (EU self-regulatory initiative on online advertising), only 25% of them actually opt-out as they feel re-assure about the advertising they receive. [This contradicts the various surveys that supported the ePrivacy proposal like the JRC study on internet users behaviour vis-à-vis cookies that showed that when users are given a choice between accepting or refusing cookies around 50% of them consistently refuse regardless of the explanation provided by the banners, whereas 100% accept cookies if left with no choice to refuse.]

Claire Bury emphasised the fact that while the Commission considers there is a need to keep a specific legislation dealing with privacy at the same time commission representatives keep an open mind and their eyes open to possible inconsistency that my raise from the proposal. She therefore called on IAB and the other members of the Digital leaders not to hesitate to share with us their written input.

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thanks to [REDACTED] for preparing the BTO.

Of interest to [REDACTED] [Despina SPANOU](#) [REDACTED]

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