

Cookies - what rules apply?

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^{news} When it comes to cookies and personal data, both the new data protection regulation and an older directive are at stake. At European level, efforts are being made to clarify the interaction between the two sets of rules until new rules emerge.

The Data Protection Authority receives regular inquiries from citizens as well as private companies about the importance of the Data Protection Regulation for the collection of personal data by means of cookies.

What legislation is in play?

Characteristic of cookies and similar technologies is that information is stored on users' equipment. This sphere of privacy is protected by a special set of rules arising from EU Directive 2002/58 / EC. has been implemented in telecommunications legislation, including the cookie order, and it is not the Data Inspectorate, but the Danish Commerce Agency that ensures that telecommunications legislation is complied with.

There are thus special rules when a company, public authority or the like wants to place cookies on the user's equipment and access the information in these cookies. If this information constitutes personal information about the user concerned, the general rules of the Data Protection Regulation - as appropriate - also apply.

New regulation on the way

When adopting the new Data Protection Regulation, it was requested by the EU that the e-Data Protection Directive (2002/58 / EC) - also known as the ePrivacy Directive - was also revised and replaced with a regulation to ensure consistency in these two sets of rules.

However, this was not the case and the Data Protection Regulation was adopted and is now fully applicable. However, in 2017, the European Commission also tabled a proposal for a new e-Data Protection Regulation to replace the 2002 directive, and these negotiations are still ongoing.

However, it also means that the existing e-Data Protection Directive remains in force and has been implemented in individual Member States.

What now?

The Data Inspectorate is in the process of clarifying - together with the other European regulators - the interaction between the new Data Protection Regulation and the existing e-Data Protection Directive (and the national rules implementing the Directive).

The protection of citizens' personal data is a core task of the Danish Data Protection Agency and work on clarifying the interaction between the rules in this area is a high priority in the supervision. As soon as possible, the Data Inspectorate will provide guidance on compliance with the rules in the Data Protection Regulation in the light of the special rules on e-data protection.

The Data Inspectorate expects more clarification in this area during the first half of 2019.

More information

If you have any questions about the above, please contact the Data Inspectorate on +45 33 19 32 00.

Journalists can contact the Danish Data Protection Agency's press officer Anders Due (ad@datatilsynet.dk / tel. 40 41 30 23).