



**GARANTE
PER LA PROTEZIONE
DEI DATI PERSONALI**

[Home](#) [The authority](#) [Measures and regulations](#) [Activities and documents](#) [Press and communication](#)
[International activities](#)

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search for

 text

 docweb

[advanced search](#)

Cookie

*Frequently asked
questions*

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3585077

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Cookies

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Information
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LAST UPDATE 2 October 2019

DOCUMENTS

- Court of Justice of the European Union

Judgment in Case C-673/17 Bundesverband der Verbraucherzentralen und Verbraucherverbände–Verbraucherzentrale Bundesverband eV / Planet49 GmbH - October 1, 2019

The installation of cookies requires the active consent of Internet users. A pre-selected checkbox is therefore insufficient

SEE ALSO (9)

Cookies and privacy: there is time until March 19 to participate in the public consultation of the Guarantor

Public consultation aimed at identifying simplified procedures for the information pursuant to art. 13,

paragraph 3, of the Code

Simplified Arrangements to Provide Information and Obtain Consent Regarding Cookies - 8 May 2014

"Cookies and personal data protection" training seminar - 3 July 2015

Internet: Privacy guarantor, soon more transparency on cookies

Decision Setting forth Measures Google Inc. Is Required to Take to Bring the Processing of Personal Data under Google's New Privacy Policy into Line with the Italian Data Protection Code -10 July 2014 [3295641]

Cookies and privacy: on the side of the users

Google to comply with the privacy measures set forth by the Italian DPA. Verification protocol approved by the DPA

More protection for Google users in Italy. The posts of the Privacy Guarantor arrive



Information and consent for the use of cookies

1. What are cookies?

Cookies are small text files that the sites visited by users send to their terminals, where they are stored and then retransmitted to the same sites on the next visit. The cookies of the so-called "third parties" are, however, set by a website other than the one the user is visiting. This is because on each site there may be elements (images, maps, sounds, specific links to web pages of other domains, etc.) that reside on servers other than that of the visited site.

2. What are cookies used for?

Cookies are used for different purposes: execution of IT authentication, session monitoring, storage of information on specific configurations regarding users accessing the server, storage of preferences, etc.

3. What are "technical" cookies?

They are cookies that are used to browse or provide a service requested by the user. They are not used for other purposes and are normally installed directly by the website owner.

Without the use of these cookies, some operations could not be carried out or would be more complex and / or less secure, such as home banking activities (viewing of the account statement, wire transfers, payment of bills, etc.), for such as cookies, which allow you to make and maintain user identification during the session, are indispensable.

4. Are analytics cookies "technical" cookies?

No. The Guarantor (see **provision of 8 May 2014**) has specified that they can be assimilated to technical cookies only if used for the purpose of optimizing the site directly by the owner of the site, who can collect information in aggregate form on the number of users and how they visit the site. Under these conditions, the same rules apply to cookie analytics, as regards information and consent, provided for technical cookies.

5. What are "profiling" cookies?

These are the cookies used to track the user's browsing on the net and create profiles on his tastes, habits, choices, etc. With these cookies, advertising messages can be transmitted to the user's terminal in line with the preferences already expressed by the same user in online browsing.

6. Is user consent required for the installation of cookies on his terminal?

It depends on the purposes for which cookies are used and, therefore, if they are "technical" or "profiling" cookies.

For the installation of technical cookies, users' consent is not required, while it is necessary to provide the information (**art.13** of the **2016/679 EU Regulation**). Profiling cookies, on the other hand, can be installed on the user's terminal only if the latter has given his consent after being informed in a simplified manner.

7. How should the owner of the site provide the simplified information and request consent to the use of profiling cookies?

As established by the Guarantor in the provision indicated in question no. 4, the information must be set on two levels.

When the user accesses a website (on the home page or on any other page), a banner must immediately appear containing a first "brief" information, the request for consent to the use of cookies and a link to access to a more "extended" information. On this page, the user can find more and more detailed information on cookies and choose which specific cookies to authorize.

8. How should the banner be created?

The banner must be large enough to partially cover the content of the web page the user is visiting. It must be able to be eliminated only through active user intervention, i.e. by selecting an element contained on the page below.

9. What indications should the banner contain?

The banner must specify that the site uses profiling cookies, possibly also from "third parties", which allow to send advertising messages in line with the user's preferences.

It must contain the link to the extended information and the indication that, through that link, it is possible to deny consent to the installation of any cookie.

He must specify that if the user chooses to continue by "skipping" the banner, he agrees to the use of cookies.

10. How can the acquisition of consent through the use of the banner be documented?

To keep track of the acquired consent, the site owner can use a special technical cookie, a system that is not particularly invasive and which in turn does not require further consent.

In the presence of such "documentation", it is not necessary for the short information to be repeated on the user's second visit to the site, without prejudice to the possibility for the latter to refuse consent and / or modify, at any time and in a manner easy, your options, for example through access to the extended information, which must therefore be linkable from every page of the site.

11. Can online consent to the use of cookies be requested only through the use of the banner?

No. The owners of the sites always have the possibility of resorting to methods other than that identified by the Guarantor in the aforementioned provision, provided that the chosen methods present all the validity requirements of the consent required by law.

12. Does the obligation to use the banner also affect the owners of sites that use only technical cookies?

No. In this case, the owner of the site can give information to users in the ways he deems most suitable, for example, also by inserting the relevant indications in the privacy policy indicated on the site.

13. What must the "extended" information indicate?

It must contain all the elements required by law, analytically describe the characteristics and purposes of the cookies installed by the site and allow the user to select / deselect individual cookies.

It must include the updated link to the information and consent forms of the third parties with which the owner has entered into agreements for the installation of cookies through its website.

Finally, it must recall the possibility for the user to express their options on cookies also through the settings of the browser used.

14. Who is required to provide the information and request consent for the use of cookies?

The owner of the website that installs profiling cookies.

For third-party cookies installed through the site, the disclosure and consent obligations are imposed on third parties, but the owner of the site, as a technical intermediary between them and users, is required to insert the updated links in the "extended" information to the information and consent forms of the third parties themselves.

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[Codici di condotta](#)
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