



# WEBINAR

---

GDPR-Compliant Cookie and Consent Management





**Lisa Hofmann**

**Chief of Legal Operations  
Pridatect**

Data privacy specialist &  
certified data protection officer

 [LinkedIn](#)



**Ksenija Rohrkamp**

**Chief of Marketing & Sales  
Operations Pridatect**

Marketing & UX Expert

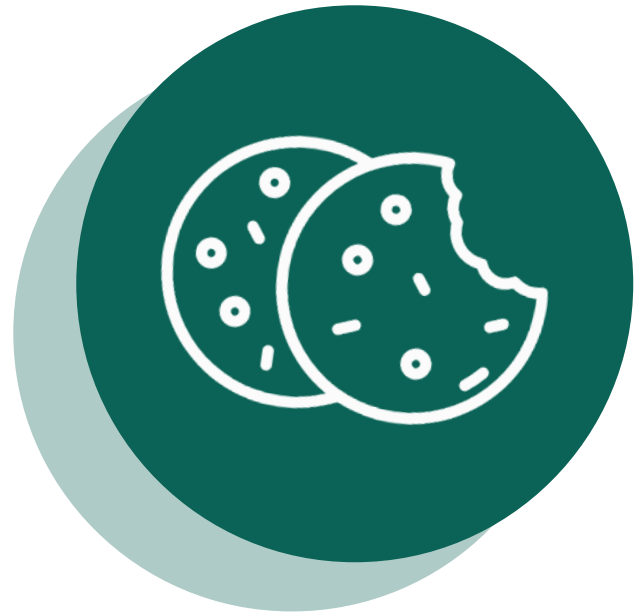
 [LinkedIn](#)



**Send us your  
questions!**

[lisa.hofmann@pridatect.com](mailto:lisa.hofmann@pridatect.com)

# Introduction: Cookie Banner and Privacy



A cookie banner is the cookie warning that appears on websites when a user first visits the website. **It indicates the cookies and tracking present on a website** and gives users the opportunity to give their **prior consent before their data is processed**.

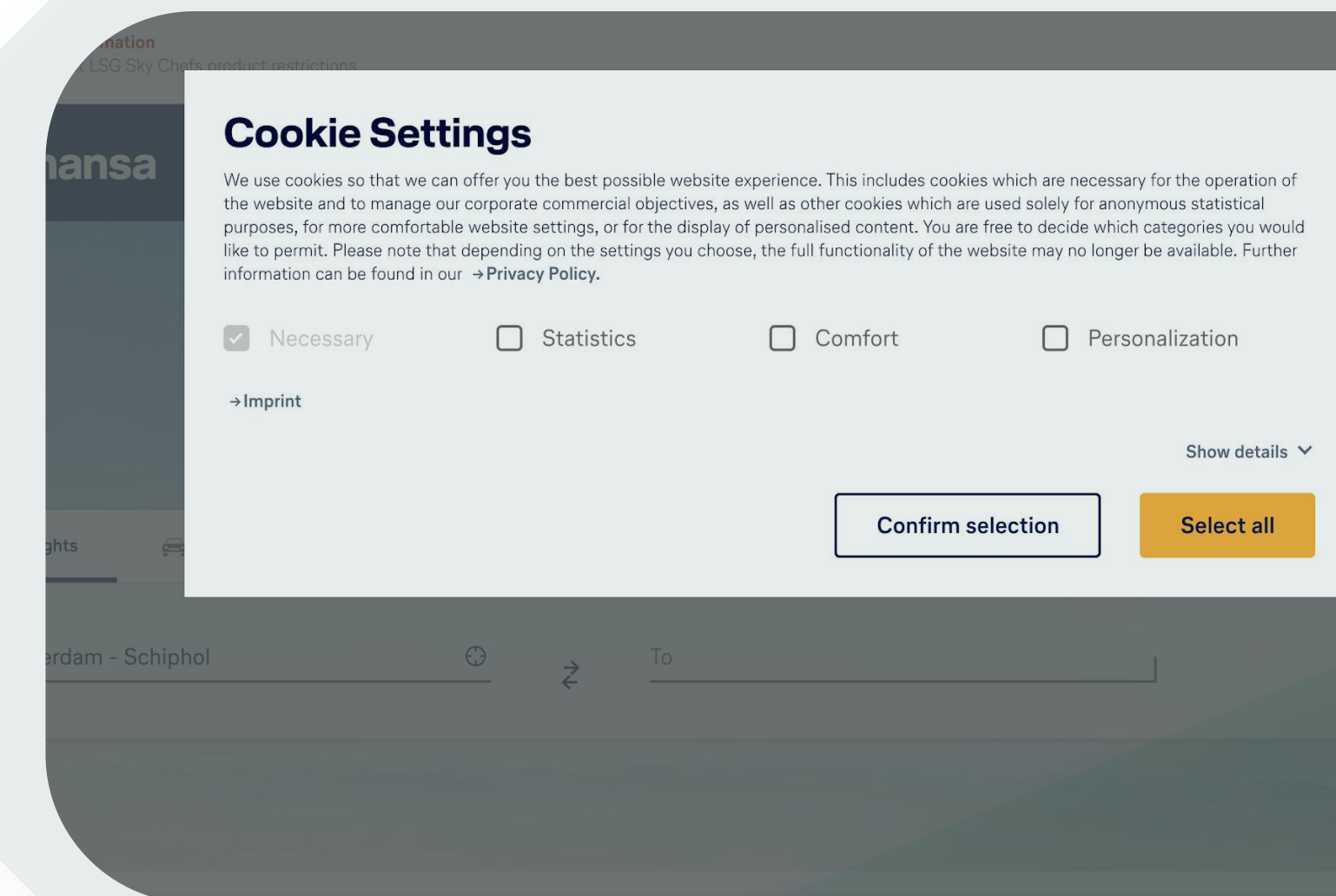


## EU requirements for cookie banners:

The EU **ePrivacy** Directive requires prior informed consent from users of your website, while the **GDPR** requires that you must document any consent.



**Recent Cookie judgement: BGH & CJEU says consent must be given.** In this webinar we will also look at the **"Planet49"** case and what it means for you.



# Agenda



Cookie Banner, GDPR &  
ePrivacy Directive



The "Planet49" case



Privacy compliant  
Cookie Banner



User-friendly  
Cookie Banners



# What is a "cookie" anyway?



A cookie is a piece of data that is stored on your computer by a website that you visit.

- A cookie is a **text file** which is sent by your browser to the relevant server each time you revisit a website
- Websites use cookies to "**remember**" previous visits and can then be **individually adapted to the user** and their surfing habits
- A cookie not only stores the visit on the user's device, but also **on the server** of the site operator
- Website operators **must comply with data protection regulations** when using cookies



# Legal basis for the use of cookies



The use of cookies must be permitted under Article 6 of GDPR

- legal basis for the use of cookies:
  - User consent
  - In order to fulfil a contract
  - Appeal on the legal basis of legitimate interests
- Informed consent must be obtained before using analysis tools such as Google Analytics or advertising trackers
- Only if the use of cookies is absolutely necessary in order to provide the user with the requested online service can other legal bases be invoked
- To ensure consent is properly obtained, the user must actually have the choice to decide whether or not to accept cookies

*"The user must also be able to refuse to accept cookies that are not absolutely necessary".*



# Legal basis for the use of cookies



Article 5(3) of the ePrivacy Directive: it is irrelevant for the applicability of the Directive whether or not personal data are involved

- ✓ If website operators **require consent to use cookies**, users must **actively** give their consent for it to be considered valid.
- ✗ Consent given by means of a **preset checkbox**, which the user must uncheck in order to refuse consent, **is not deemed to be valid consent**.
- ✗ Even **the activation of a button for participation in a competition is not considered effective consent** for the storage of cookies

Furthermore, in such cases, the websites would have to provide users with information on, among other things, the **duration of the cookie's use and whether third parties can access the cookie**.



# The "Planet49" case: Active consent & Opt-out



Federal Court of Justice, ruling of 28.05.2020, file no. I ZR 7/16, "Cookie Consent II"  
Topic: Question about the requirements for effective consent for advertising and marketing cookies

Planet 49 had obtained the consent of participants in an online competition to store advertising cookies on their devices. Required checkboxes were already pre-filled.

- Do "opt-out" solutions constitute acceptable consent?
- Are advertising cookies subject to Regulation 6, PECR and may therefore be implemented without active consent (opt-in)?

28 May 2020, the BGH ruled  
Cookies on internet pages require the active consent of the user in any case  
→ An "opt-out" solution is therefore not allowed





# Privacy compliant Cookie Banner



What information must a compliant cookie banner contain?

- Recital 42.4 GDPR: Identity of controller and processing purposes
- CJEU "Planet49": function, duration, recipient
- SC: "for the particular case" naming of the categories of products and services in advertising consent
- EDPB (Guidelines 06/2020): identity, purposes, categories of data, revocation, recipient, transfer to third countries

"in an informed manner" (Art. 4 No. 11 GDPR)

"Information requirements" (Articles 12-14 GDPR)

EDPB (WP 260, rev.01):

- Identity and contact details (responsible person, representative & data protection officer)
- Purpose and RGL (consent)
- Nature of the data (Article 14.1(d))
- Recipients/categories
- Transfer to third countries
- Storage duration
- Rights of data subjects/revocation
- Contractual/legal obligation (Art. 13.2 lit. e)
- Data sources (Art. 14.2 lit. f)
- Automated decisions

# In practice: Cookie banner Information level 1



## Level 1

- Data categories
- Purpose
- Tracking Technology
- Transfer to third parties
- Approval and rejection mechanism
- Indication of voluntary nature

The screenshot displays the Pridatetect website with a cookie banner overlay. The website header includes the Pridatetect logo, navigation links (Product, Prices, Testimonials, Academy, Log in), a 'FREE TRIAL' button, and language flags (Spain, Germany). The main content area features the text 'DATA PROTECTION & PRIVACY COMPLIANCE SOFTWARE' and 'More than 10,000 companies trust Pridatetect with their data protection', followed by a 'FREE TRIAL' button. The cookie banner, powered by usercentrics, contains the following text: 'This site uses third-party website tracking technologies to provide and continually improve our services, and to display advertisements according to users' interests. I agree and may revoke or change my consent at any time with effect for the future.' The banner has three buttons: 'Accept' (green), 'Deny' (grey), and 'More info' (white). To the right of the banner, there are three circular profile pictures of people, each with a green checkmark icon next to it.



# In practice: cookie banner information level 2



## Level 2

- Grouping of purposes and description
- Functionality per tracking service
- Recipient
- Data processing purpose
- Transfer to third countries and indication of the appropriate guarantees
- Storage duration
- Approval and rejection options
- Reject all option

The screenshot displays the Pridatetect website with a cookie consent banner open. The banner is titled 'Marketing' and lists various tracking services. The 'Marketing' section is expanded, showing details for Google Ads Remarketing, including its purpose, the company (Google Ireland Limited), and data processing purposes. The banner also includes sections for 'Functional' services, 'Technologies Used', and 'Data Collected'. A 'SAVE AND CLOSE' button is visible at the bottom of the banner.

**Pridatetect** Product Prices Testimonials Academy Log in FREE TRIAL

DATA PROTECTION SOFTWARE  
More than just trust Protection  
We help to ensure your data is protected. Let us show you how.

FREE TRIAL

**Marketing**

- Google Ads Remarketing
- Google AdWords Conversion
- Google AdWords Remarketing
- Google Tag Manager
- Facebook Social Plugins
- Outbrain
- LinkedIn Plugin
- Intercom
- Bing Ads
- Active Campaign
- Taboola Europe
- Google Analytics
- DoubleClick Ad
- Facebook Pixel
- LinkedIn Ads

**Functional**

- Idioma
- Calendly

Powered by [Usercentrics Consent Management](#)

**Marketing**

These technologies are used by advertisers to post ads that are relevant to your interests.

☐ **Google Ads Remarketing**

This is a remarketing service.

**Company which processes the data**

Google Ireland Limited  
Google Building Gordon House, 4 Barrow St, Dublin, D04 E5W5, Ireland

**Data processing purposes**

This list represents the purposes of the data collection and processing. A consent is only valid for the stated purposes. The collected data can't be used or stored for any other purpose than the purposes listed below.

- Remarketing

**Technologies Used**

- Cookies

**Data Collected**

This list represents all (personal) data that is collected by or through the use of this service.

**SAVE AND CLOSE**

**Simon D. J. Hall**  
ex IBM DPO, ex KPMG Privacy Consultant, ex ASDA DPO  
Freelance Privacy Consultant & DPO Coach

# Use Cookie Banners in a user-friendly way



When using cookie banners, these two KPIs should be kept in mind: Acceptance rate vs. bounce rate

## Acceptance rate

= How many visitors accept the use of cookies, the average value is 40-50%

→ Data analysis must take this into account



## Bounce rate

= visitors leave the website instead of accepting or rejecting cookies

→ UX which results in higher acceptance, can also increase the bounce rate at the same time

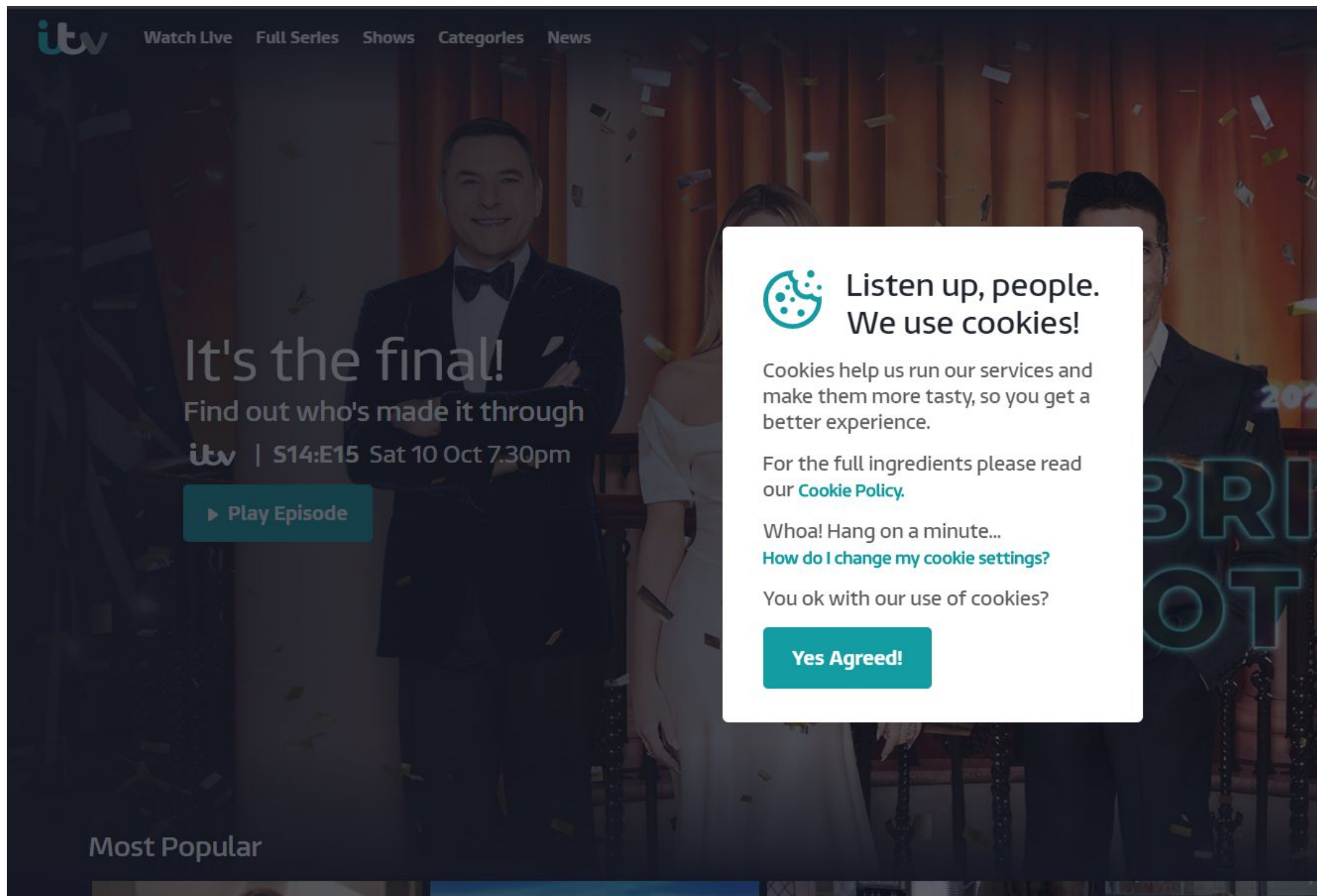




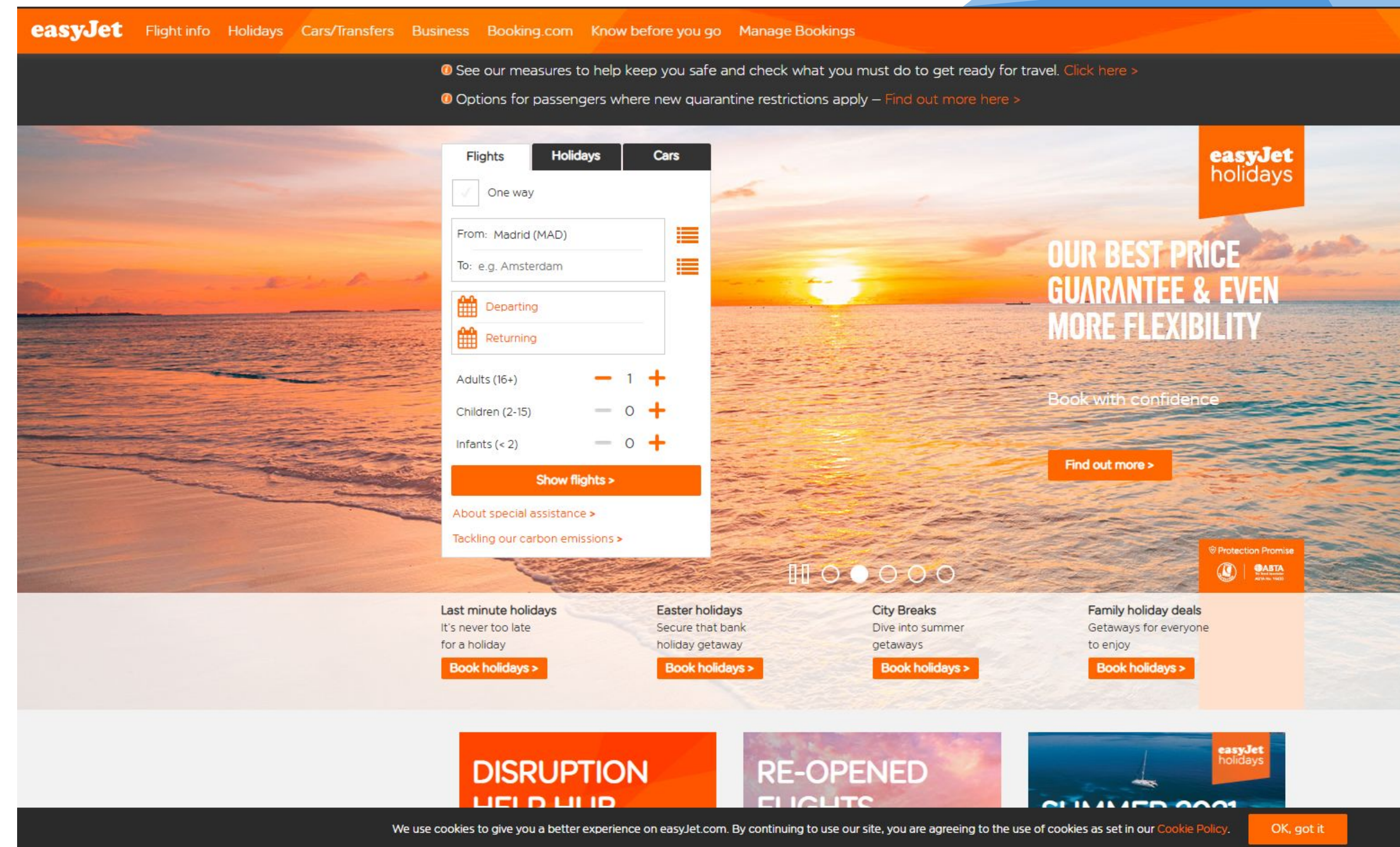
# Practical examples: Optimising the acceptance rate and bounce rate



## How Cookie Banner UX-Design can influence results



Higher acceptance rate  
Higher bounce rate



Lower acceptance rate  
Lower bounce rate



# The Pridatect platform makes it easy to identify risks and protect data



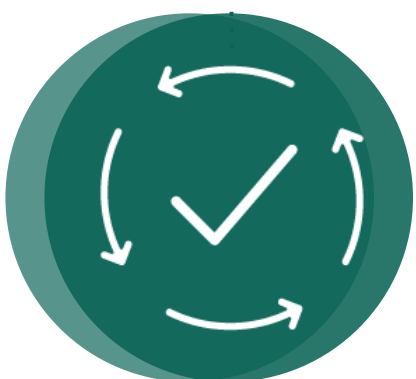
## Identifying risks in time

Recognize and identify risks in the processing of personal data (customers, employees, providers ...). With the Pridatect platform we can identify and analyse threats and weaknesses in your processes.



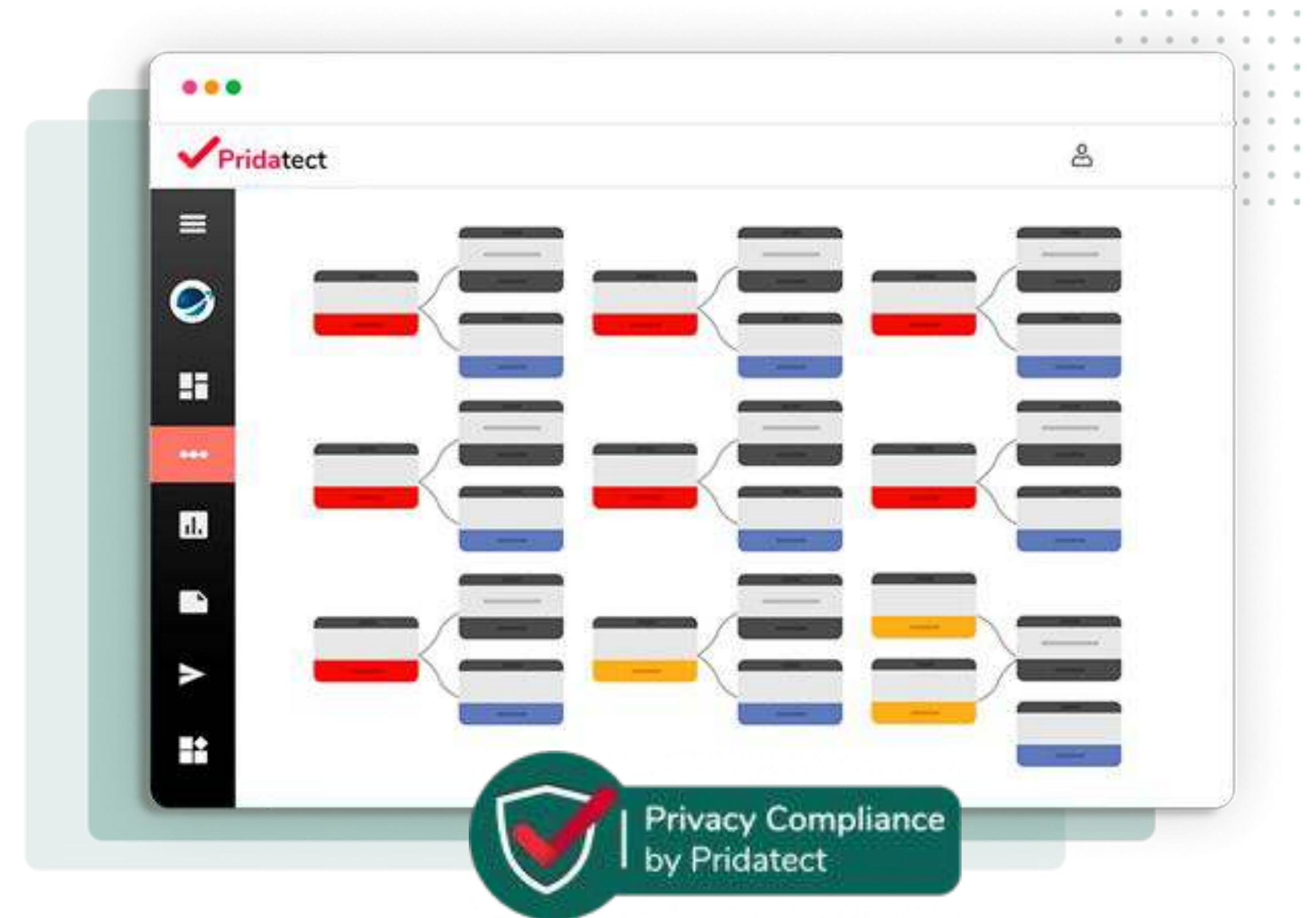
## Define and recommend measures

Once we have identified the risks in your company, we can define the necessary measures to mitigate them. Pridatect proposes necessary data protection measures for your company.



## Monitoring and implementation of data protection

Data protection is an ongoing task within a company. Pridatect helps not only with the initial implementation, but also with ongoing monitoring and task management.





# Everything you need for a successful privacy program

## Trusted technology solution for your data protection

With all the functionalities you need



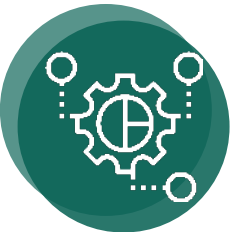
### Risk Assessment

Mitigate data protection risks



### Impact Evaluation (PIA)

Automated privacy impact assessments



### GAP Analysis

Identify gaps in your data protection



### Processing Activities

Keep an updated registry of processing activities



### Data Mapping

Map all of your companies data flows



### TOMs

Define risk reducing technical and organisational measures



### Privacy reports

Generate automated privacy reports



### International transfers

Manage data transfers internationally



### Data breach management

Successful reactive management for data breaches



### Website compliance

Generate privacy policies, cookie policies, terms & conditions



### Subjects access rights

Manage consumer and subject rights requests



### Secure Cloud Userdesk

Collaborate on our secured cloud environment



### External DPO service

Get a virtual DPO for your company



### Vendor contracts

Generate GDPR compliant vendor contracts



### Legal document automation

Create legal documents based on our models

# Just try it out for yourself!



Find out how Pridatect can help you with your privacy

Take control of data protection management and ensure that everyone in your organisation has the policies in place to ensure that personal data is not compromised when working from home. We at Pridatect help you to identify risks and take appropriate measures.

Book Your Free  
Demo

Contact us for a [free demo](#) or alternatively, take advantage of your [7-day trial](#).





**Lisa Hofmann**

**Chief of Legal Operations  
Pridatect**

Data privacy specialist &  
certified data protection officer

 [LinkedIn](#)



**Ksenija Rohrkamp**

**Chief of Marketing & Sales  
Operations Pridatect**

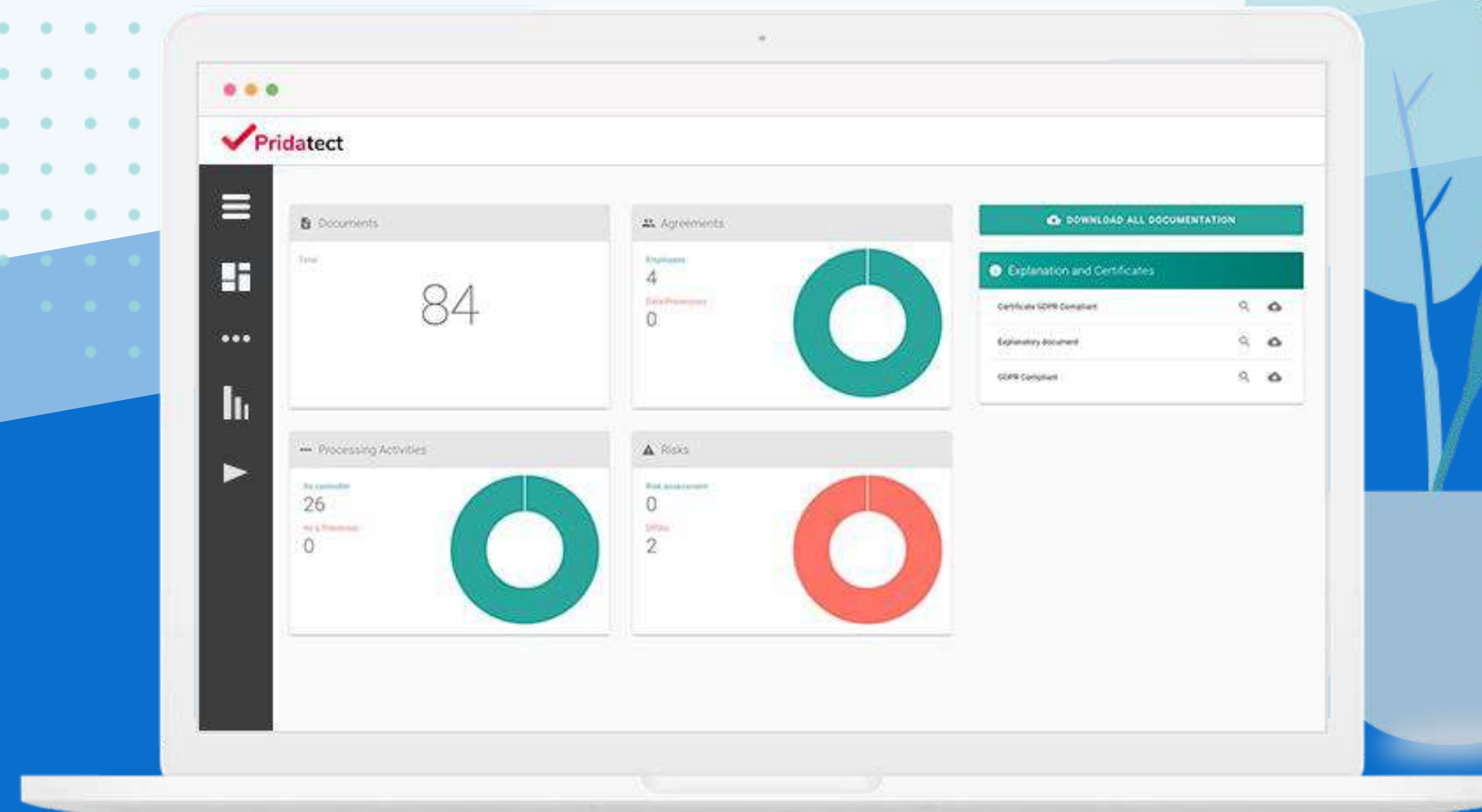
Marketing & UX Expert

 [LinkedIn](#)



**Send us your  
questions!**

[lisa.hofmann@pridatect.com](mailto:lisa.hofmann@pridatect.com)



Thanks for joining our webinar!