

Privacy & Data Protection

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Headlines

- EU-US Privacy Shield complaint to be heard by Europe’s top court in July, p.19
- Singapore’s regulator shifts more accountability to businesses, p.20

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As adtech complaints mount, a vision for enforcement is lacking

As the General Data Protection Regulation turned one year old, complaints relating to advertising technology (‘adtech’) are tallying up, with seven Supervisory Authorities currently investigating a core function of behavioural advertising.

The first adtech-related complaints were filed in the UK and Ireland, by Dr Johnny Ryan of private browser Brave, Jim Killock, Director of the Open Rights Group, and Michael Veale, a data and policy researcher at University College London. A third complaint was made to Poland’s SA

in January, filed by anti-surveillance NGO, the Panoptykon Foundation. The latest four complaints were lodged in Spain by Gemma Galdon Clavell (Eticas Foundation) and Diego Fanjul (Finch); the Netherlands by David Korteweg (Bits of Freedom); Belgium by Jef Ausloos (University of Amsterdam) and Pierre Dewitte (University of Leuven); and Jose Belo (Exigo Luxembourg).

Lawyers working with the complainants said they’re expecting “a cascade of complaints” across Europe, and “fully expect an EU-wide regu-

latory response” give that the adtech in question is applied region-wide.

The complaints argue that RTB (real time bidding) entails ‘wide-scale and systemic’ breaches of the GDPR, as personal data harvested to profile internet users for ad-targeting purposes are broadcast widely to bidders in the adtech chain. The core argument underpinning the complaints is that RTB’s data processing is not secure, given that the design of the system entails the broadcasting of (what can be special cate-

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CNIL takes proactive steps to address ePrivacy Regulation delay

France’s Supervisory Authority is giving organisations until Spring 2020 to design and deploy GDPR-compliant cookie consent notices. Until then, scroll consent (soft or tacit consent) will be acceptable.

Representatives from the CNIL informed French industry trade organisations about the reprieve in a meeting during late April, and shared additional details about the CNIL’s

agenda for the coming year. The assembled trade organisations, which included IAB France, the French arm of the Mobile Marketing Association, publisher-focused group Geste and SNCD, France’s answer to the Direct Marketing Association, had requested the meeting in an urgent mid-March letter to newly appointed CNIL President, Marie-Laure Denis.

Several public formal notices issued over the past year by the CNIL have called out specific companies in the digital advertising sector for improperly collecting user consent. As a result, there’s been some clarification on how to comply consent wise. However, confusion has remained about exactly what’s required.

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