Behavioral targeting & European law

Frederik Borgesius
Institute for Information Law, University of Amsterdam
New York University

W3C Workshop: Do Not Track and Beyond
Berkeley 26-27 November 2012
Contents

1. Consent for tracking technologies
2. Data protection law and behavioral targeting
3. W3C?
1. Consent tracking technologies

Consent for storing and reading information in device.

Exceptions: necessary for communication / requested service.

Art 5.3 e-Privacy Directive
Contents

1. Consent for tracking technologies
2. Data protection law and behavioral targeting
3. W3C?
2. Right to Data Protection
Charter of Fundamental Rights EU
2. EU data protection law & behavioral targeting

Data protection law generally applies to nameless profiles for behavioral targeting.
‘Personal data’ in EU

Any information relating to an identified or identifiable person.

Art. 2(a) Data Protection Directive
Personal data
Personal data
Court of Justice EU

IP addresses: personal data

(case concerned ISP)
EU Data Protection Authorities

Nameless profiles for behavioral targeting: personal data.

Can be used to ‘single out’ a person.
EU Personal data

Personally identifiable information ‘PII’
Data protection law: Fair information principles (FIPs)

- Consent (or other legitimate basis)
- Transparency
- Right to access data
- Data minimization
- Security
- ...

Overview FIPs: Gellman, ‘FIPs: a basic history’
Contents

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W3C & Fair information principles (FIPs)?

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Thank you!

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@FBorgesius