

NOTE: Case AP vs YD Display Advertising 2014

In 2014 The Dutch Data Protection Authority (AP) carried out its first audit on the processing of cookies. On 27 March 2014, the CBP published its report on the activities of YD Display Advertising Benelux BV (YD), now called Yieldr. It concluded that the company was violating the law (Art. 8a DPA, which requires the unambiguous consent of the user when processing personal data and Art. 11.7a (4) TA, which presumes that tracking cookies storing personal data are not allowed unless they are covered by an exception) by using tracking cookies to collect personal data of Internet users with the aim of showing them personalised advertisements. Yieldr did not ask for consent, but only offered an opt-out, which is in violation of the law. The CBP decided in that instance not to impose a fine on YD, but sent a clear message to publishers using tracking cookies and the supporters of an implied consent. See report here (page 3, Profiling):

https://autoriteitpersoonsgegevens.nl/sites/default/files/atoms/files/annual_report_2014.pdf