Cookie Compliance

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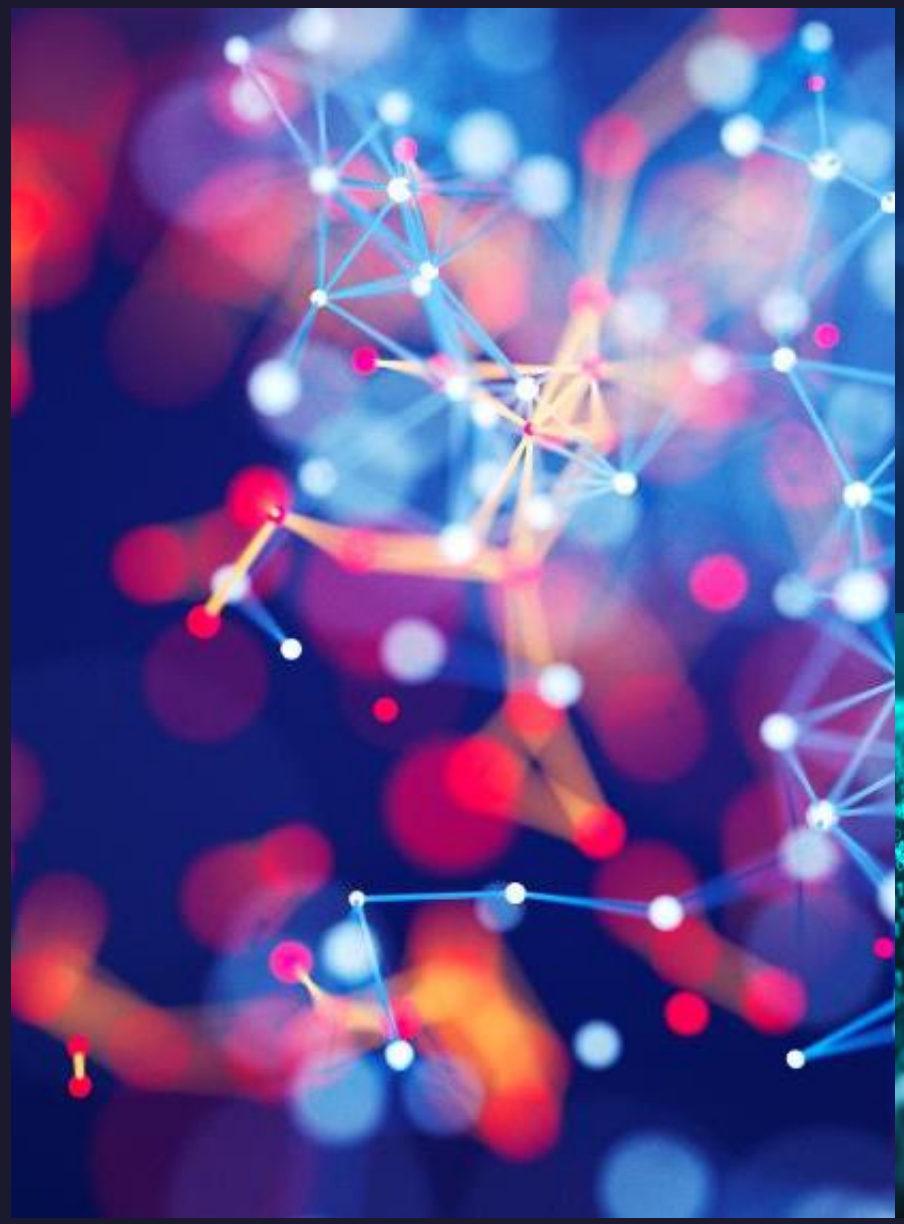
Agenda

- What's a Cookie?
- How the Cookie Crumbles
- Importance of Cookie Compliance
- Tailoring Cookie Compliance For Your Organization
- Questions, Comments, Concerns



What's a "Cookie"

Are you hungry? No, not those cookies!

IAPP Definition :

"Cookies" are small text files stored on a client machine that may later be retrieved by a web server from the machine.

Cookies allow web servers to keep track of the end user's browser activities, and connect individual web requests into a session

How the Cookie Crumbles

Cookie Breakdown

Regulatory Requirements for Cookies

EPRIVACY DIRECTIVE

- Passed in the 2002 and amended in 2009, the ePrivacy Directive (EPD) has become known as the "cookie law".
- The EPD's most notable effect was the proliferation of cookie consent pop-ups.

THE GENERAL DATA PROTECTION REGULATION

- The GDPR is the most comprehensive data protection legislation that has been passed by any governing body. However, throughout its' 88 pages, it only mentions cookies directly once, in Recital 30.

U.S. STATE LAW

- **No regulatory cookie banner requirement**
- CCPA – opt users out of the "sale" of data.
  - CPRA includes "sharing" opt-outs (effective 2023)
- Laws effective 2023
  - Virginia (CDPA) & Colorado (CPA) – opt users out of "targeted advertising"

Cookie Breakdown

Duration

- Session cookies
- Persistent cookies

Provenance

- First-party cookies
- Third-party cookies

Purpose

- Strictly necessary cookies
- Preferences cookies
  - (aka Functional cookies)
- Performance cookies
  - (aka Statistic cookies)
- Marketing cookies
  - (aka targeting cookies)

Importance of Cookie Compliance

To comply or not to comply, Tis the question?

To comply with the regulations governing cookies under the GDPR & EPD:

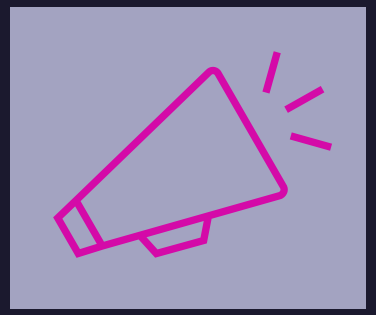
Receive	Receive users' consent before using any cookies except strictly necessary cookies.
Provide	Provide accurate and specific information about the data each cookie tracks and its purpose in plain language before consent is received.
Document and store	Document and store consent received from users.
Allow	Allow users to access the company's service even if the user refuses to allow the use of certain cookies
Make	Make it as easy for users to withdraw their consent as it was for them to give their consent in the first place.

Non-Compliance Risk Factors

Fines

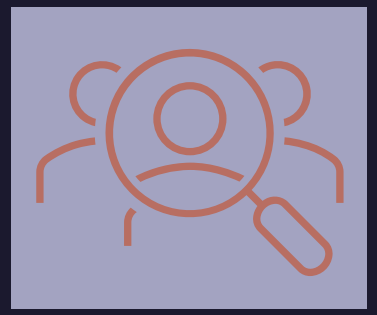
Recent cookie fines (2022):

- Google
- Facebook



Reputational Harm

- Media frenzy & articles



Consumer Trust

- Consumers are at the heart of business operations

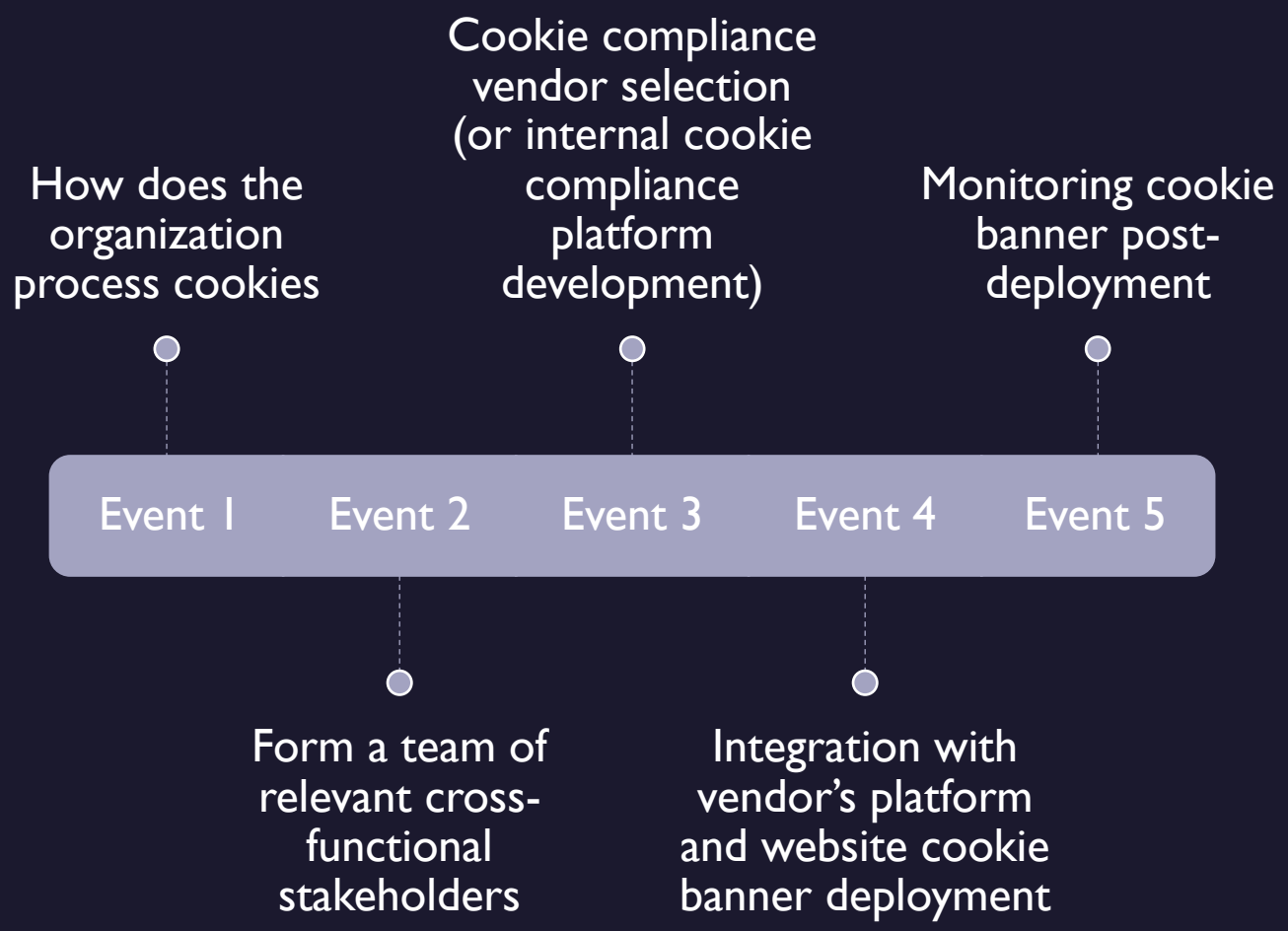
DPA Opinions

Major DPAs to watch:

- French
- German
- Austrian
- Belgian
- Irish
- Dutch

Tailoring Cookie Compliance For Your Organization

Cookie Banner Operation Deployment “Event-line”



Event 1: How does your company process cookies?

Considerations:

- Any specific teams to contact?
- Which teams leverage cookies and why?
- Action items:

Event 2: Form a team of relevant cross-functional stakeholders

Considerations:

- Which teams will play a major role in cookie banner deployment and further monitoring?
- Which teams will be impacted by said deployment?

Privacy Legal Team

Operational Privacy Team

Infosec

Design & Branding Team

Engineering & Product Teams

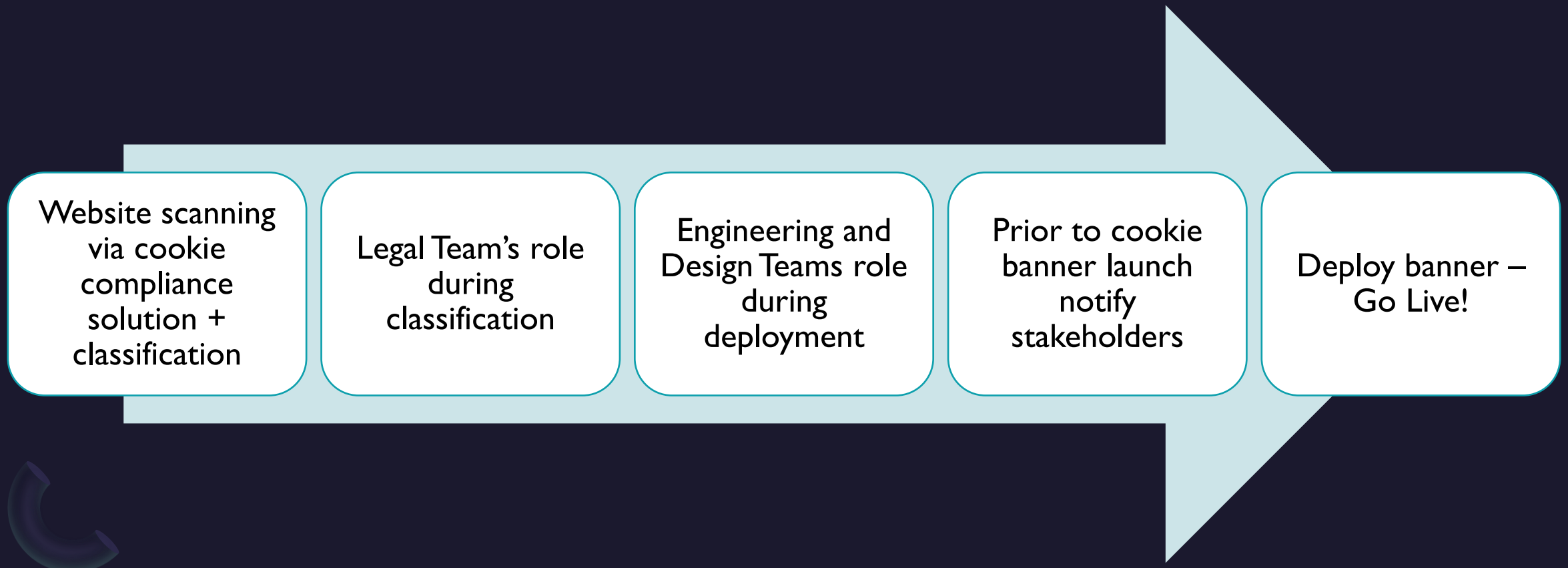
Marketing Team

Analytics Team

Event 3: Cookie Compliance Vendor Selection

- Considerations:
- What are your options in the market?
- Is the organization equipped for internal compliance function build out?

Event 4: Integration with vendor's platform and cookie banner deployment



Event 5: Monitoring cookie banner post-deployment

PREPARE FOR IMPACTED TEAMS TO REVOLT

CRAFT PLAN TO SUPPORT IMPACTED TEAMS

Considerations to support impacted teams:

- Monitor numerical impacts
- Strategize campaigns to encourage users to opt-in
- Legally sound cookie reclassify

Summary

Cookie compliance does not have to be tedious. A well-planned and informed deployment will ease operational concerns; this helps in anticipating future risks for adequate mitigation strategies.

Thank You

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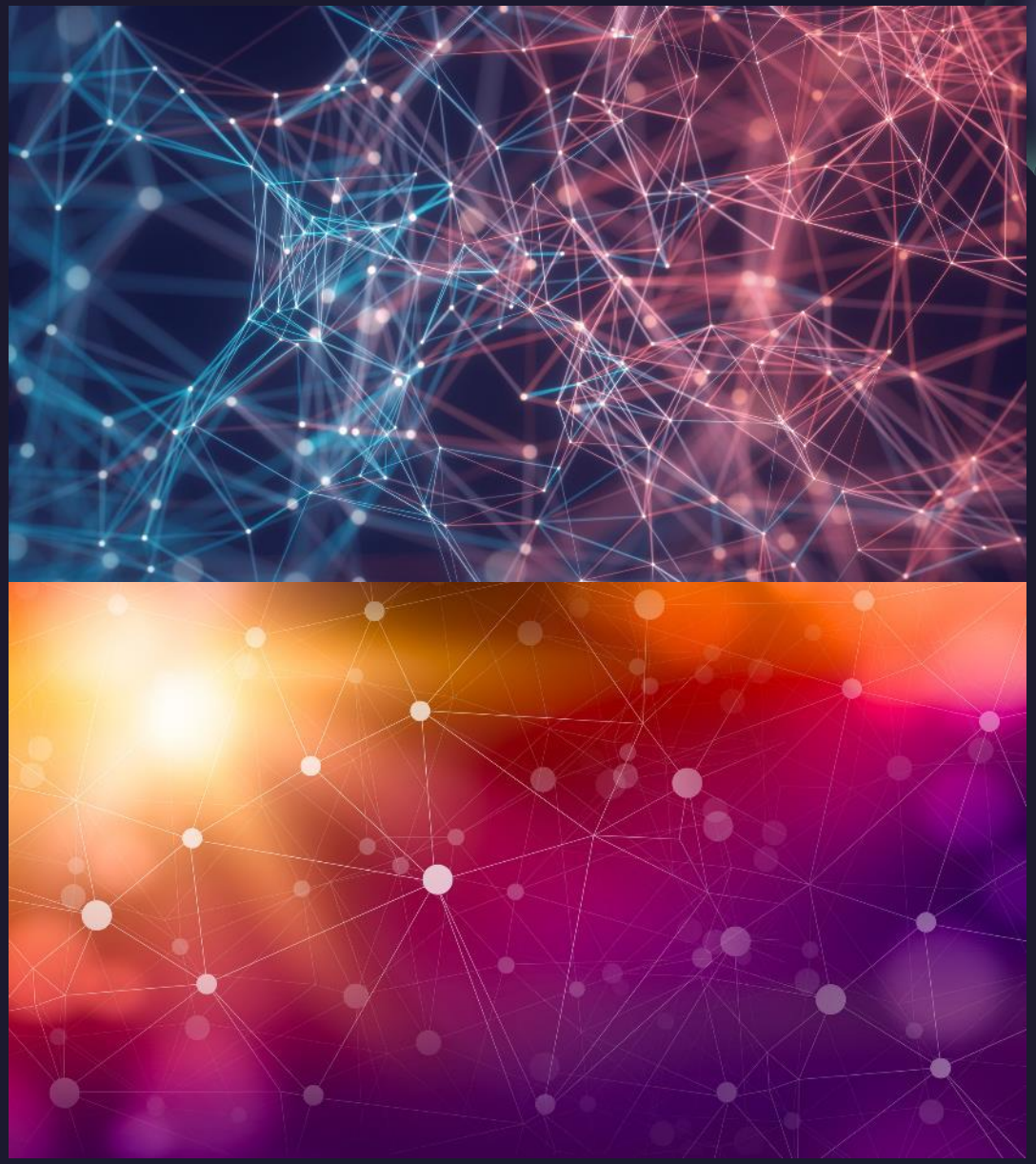
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