



# Cookie Compliance Checklist

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## DISCLAIMER

These statements do not constitute legal advice. They merely serve to support and inform you about the current legal situation. Please consult a qualified lawyer should you have any legal questions.



# Cookie Compliance Checklist

Make sure you comply with the GDPR and the ePrivacy Directive ('cookie law') by following these simple steps:

| Steps                                                                  | Roadmap                                                                                                                                                                                                                                                                                                                                                                                                                                      |
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| 1. Create a comprehensive Privacy Policy                               | <ul style="list-style-type: none"><li>• Ensure it is easy to <b>read, find and understand</b> for the average user.</li><li>• Inform about e.g. lifespan of each cookie and whether third parties may have access to those cookies.</li><li>• <b>Implementation:</b> Make the information available in a <b>Privacy Banner</b> when the user visits your site (a <b>CMP</b> ensures you have all necessary information included ).</li></ul> |
| 2. Let users know you are using cookies or other tracking technologies | <ul style="list-style-type: none"><li>• Ensure you <b>inform users of your intentions</b> at or before the point you start collecting data.</li><li>• Include this information in your <b>Privacy Policy</b>.</li></ul>                                                                                                                                                                                                                      |
| 3. Explain what your cookies are doing and why                         | <ul style="list-style-type: none"><li>• Inform the users about the <b>purpose of each cookie separately</b> to ensure you obtain specific consent for each cookie objective (= granularity).</li><li>• It should be stated in the <b>Privacy Policy</b>. Check with national data protection rules for further details e.g. Denmark requires a granular selection to be included in the first layer of the Privacy Banner.</li></ul>         |



| Steps                                                                       | Roadmap                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
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| 4. Obtain your users valid consent to store a cookie on their device        | <ul style="list-style-type: none"> <li>• <b>Explicit:</b> Active acceptance e.g. ticking a box or clicking a link.</li> <li>• <b>Informed:</b> Who, what, why, how long?</li> <li>• <b>Documented:</b> You have the burden of proof in the case of an audit.</li> <li>• <b>In advance:</b> No data is to be collected before opt-in, i.e. cookies cannot be set on your website before the user has consented to them.</li> <li>• <b>Granular:</b> Individual consent for individual purpose, i.e. consent cannot be bundled with other purposes or activities.</li> <li>• <b>Freely given:</b> “Accept” and “Reject” button.</li> <li>• <b>Easy to withdraw:</b> opt-out on the same layer as opt-in.</li> </ul> |
| 5. Give users access to your service even if they do not consent to cookies | <ul style="list-style-type: none"> <li>• In the case that a user refuses data processing, <b>no unessential cookies must be set</b>. Essential cookies will be set regardless if the user accepts or refuses.</li> <li>• Nevertheless, ensure users are still <b>allowed to access your service</b> even if they refuse to allow the use of certain cookies/technologies.</li> </ul>                                                                                                                                                                                                                                                                                                                              |
| 6. Collect and process data only after obtaining valid consent              | <ul style="list-style-type: none"> <li>• Ensure that <b>cookies are not loaded</b> until the user has given his consent.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |



| Steps                                                                  | Roadmap                                                                                                                                                                                                                                                                  |
|------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                        | <ul style="list-style-type: none"><li>Once you have indeed obtained valid consent, you are <b>free to collect and process personal data</b> for the purposes you informed your user before.</li></ul>                                                                    |
| 7. Document and store consent received from users                      | <ul style="list-style-type: none"><li>Comply with your documentation obligation to ensure you are able to verify the users' consent in case of an <b>audit by data protection authorities (DPA)</b>.</li></ul>                                                           |
| 8. Offer a simple opt-out, as simple as the opt-in                     | <ul style="list-style-type: none"><li>Make it as easy for users to withdraw their consent as it was for them to give their consent in the first place. <b>Easy in, easy out.</b></li><li><b>External links</b> to a third page for opt-out are not sufficient.</li></ul> |
| 9. After opt-out ensure that no further data is collected or forwarded | <ul style="list-style-type: none"><li>Ensure that from the <b>moment of the objection</b> on, no further data is collected or forwarded.</li></ul>                                                                                                                       |

Would you like to learn more about all the possibilities our CMP offers for a **GDPR-compliant implementation**?  
**We would be happy to advise you.**

**Get in touch with us**