

The cookie directive

Overhaul of e-privacy rules on website cookies should be watched by omni-channel operators, writes Euromat general secretary *Kieran O'Keeffe*

BY the time this article is published, the European Commission will have adopted a proposed regulation revising the e-Privacy Directive, the legislation that governs the processing of personal data in electronic communications and therefore covers direct marketing.

A draft of the Commission's proposal has been the subject of much excitement in Brussels and is likely to be a serious headache for online advertisers.

The original directive introduced a requirement for websites to ask consumers to explicitly allow the placing of cookies on their computer, which resulted in many member states requiring websites to secure prior consent from consumers by means of a pop-up message. The draft regulation retains the need for prior consent but requires that browsers be configured to prevent storing information on, or using information about, a consumer's device.

Consumers would need in the future to activate cookies by changing their default browser settings. The regulation also suggests that consent is no longer required for cookies that only give effect to a website - e.g. cookies that keep your shopping basket up-to-date or store your language or other preferences for future use - or are purely for analytics purposes.

These changes will likely mean an end to the consent pop-up messages that many consumers dislike. However, it also means that consumers will be far less likely to alter their browser settings to allow so-called third-party cookies, used by advertisers to target marketing spend at consumers whose browsing history suggests that they would be interested customers for a

company's goods or services.

Omni-channel gaming operators would be no less impacted in this regard than any other business that uses online channels: cookies are central to the functioning of any omni-channel operator's website helping to personalise content as well as supporting advertising and measuring its effectiveness.

Europe's rules on cookie consent may only be a few years old but they look set for a significant overhaul in 2017.

