

ARTICLE 29 Data Protection Working Party



Brussels, 15 December 2011

OBA industry

Kimon Zorbas
Vice President
IAB Europe

Angela Mills-Wade
Vice Chair
EASA

By email

Dear Mr Zorbas, dear Mrs Mills-Wade,

During our meeting on 14 September 2011 I informed you of the intentions of the Working Party to adopt an opinion on the EASA/IAB Code.

On behalf of the Article 29 Working Party please find attached a copy of the Working Party's opinion on the Code that was adopted during its plenary meeting on 8 December 2011.

As you did not – contrary to what is stated in your letter of 5 December 2011- address the questions raised in my letter of 3 August 2011 during our meeting, we agreed you could provide the Working Party with answers to the questions raised in writing, in order for them to be taken into account by the Working Party in its opinion. We note that you have - to date - not answered the questions raised in the letter, or the additional issue raised during the meeting concerning the tracking scripts on www.youronlinechoices.eu.

As stated in its earlier opinion on behavioural advertising, the Working Party does not question the economic benefits that behavioural advertising may bring, but it firmly believes that such practices must not be carried out at the expense of individuals' rights to privacy and data protection. The EU data protection regulatory framework sets forth specific safeguards which must be respected.

The advertising industry needs to comply with the precise requirements of the e-Privacy Directive and the attached opinion shows that many practical solutions are available to ensure a good level of compliance together with a good user experience.

This Working Party was set up under Article 29 of Directive 95/46/EC. It is an independent European advisory body on data protection and privacy. Its tasks are described in Article 30 of Directive 95/46/EC and Article 15 of Directive 2002/58/EC.

The secretariat is provided by Directorate C (Fundamental Rights and Union Citizenship) of the European Commission, Directorate General Justice, B-1049 Brussels, Belgium, Office No MO59 2/13.

Website: http://ec.europa.eu/justice/policies/privacy/index_en.htm

I trust you will inform your members of the content of this opinion. As you are well aware, European data protection authorities have the task to ensure compliance and will, where necessary, enforce on the basis of the law.

Yours sincerely,

Jacob Kohnstamm
Chairman of the Article 29
Working Party