

GZ:D155.011

DSB-D155.011/0003-DSB/2019

Sachbearbeiterin)Mag. [REDACTED]

«Anrede»
«Titel» «Vorname» «Nachname» «Nachgestellter_Titel»
«Name»
zH «zH»

«Straße» «ON»
«Postleitzahl» «Ort»
«Land»

Formal examination procedure

[REDACTED] (IMI-Nr.: A56ID 67978)

Subject: Closing of proceedings

1. The Austrian Data Protection Authority received the submission of [REDACTED] dated on 2 August 2018, which was submitted by the Land Commissioner for Data Protection and Freedom of Information in Baden-Württemberg on 29 May 2019.
2. In accordance with Art. 56 (1) in conjunction with Art. 60 GDPR, the Austrian data protection authority is the leading supervisory authority in this cross-border procedure.
3. In the submission it was stated that the [REDACTED] demanded on their website with a banner the consent to the use of cookies and the option for a “pure subscription”, which allows the use of the website without advertising and without cookies. It was assumed that the website could also be operated without cookies and they were not mandatory for this. However, the user was not given the opportunity to allow advertisements for the financing of the website without using cookies, which indicates a violation Art. 7 (4) GDPR. The submission also asked for an examination of this matter.
4. The Austrian Data Protection Authority assumed that this submission was a request for an ex-officio- proceeding.
5. On 2 August 2019, the Austrian Data Protection Authority requested the opinion from [REDACTED] within 3 weeks.

6. No comments were made within this period.

7. In its decision of 30 November 2018, the Austrian Data Protection Authority DSB-D122.931/0003-DSB/2018¹ already agreed on the voluntary consent to the use of the cookie in question by [REDACTED]
[REDACTED]

8. The Lander Commissioner for Data Protection and Freedom of Information Baden-Wurtemberg agreed to close the procedure via IMI on the 25. March 2021.

9. Therefore, the Austrian Data Protection Authority thinks there is no need initiate another ex-officio-proceeding about this matter and closes the procedure.

17.05.2021

Für die Leiterin der Datenschutzbehörde:
[REDACTED]

¹See

https://www.ris.bka.gv.at/Dokumente/Dsk/DSBT_20181130_DSB_D122_931_0003_DSB_2018_00/DSBT_2018_1130_DSB_D122_931_0003_DSB_2018_00.pdf.