

LIVE NATION DENMARK MANAGEMENT HOLDING ApS
Frederiksberg Allé 3
1621 København V

15 December 2025

J.No. 2023-7321-0462
Doc.no. 816989
Caseworker
[REDACTED]

Sent by Digital Post

Complaint about Live Nation Denmark Management Holding ApS processing of personal data on the website www.livenation.dk

1. On 21st October 2022, the Danish Data Protection Agency ('the Danish DPA') via the Austrian Data Protection Agency, received a complaint from Noyb – the European Centre for Digital Rights ('Noyb') on behalf of [REDACTED] ('the complainant') concerning Live Nation Denmark Management Holding ApS ('Live Nation') processing of personal data about the complainant, when the complainant visited the website www.livenation.dk.

**The Danish Data
Protection Agency**
Carl Jacobsens Vej 35
2500 Valby
Denmark
T 3319 3200
dt@datatilsynet.dk
datatilsynet.dk
VAT No. 11883729

In accordance with the procedure laid down in Article 56 of the General Data Protection Regulation¹, the Danish Data Protection Agency has been designated as the lead supervisory authority in the case on the 25th of November 2022.

The Danish DPA understands Noyb's complaint to mean, that on the 29th of September 2021 the complainant, when visiting the website www.livenation.dk became aware that the complainant's personal data was collected and disclosed to third parties for marketing purposes by the use of cookies with reference to Article 6(1)(a) of the GDPR. In the complaint, it is stated that Live Nation's obtaining of consent does not fulfil the conditions laid down in Article 4(11) of the GDPR, which requires consent to be any freely given, specific, informed and unambiguous indication of the data subject's wishes, and that consent therefore cannot be used as a legal basis for the processing of personal data.

The Danish DPA has also understood Noyb's complaint as a request for erasure of the personal data that Live Nation has collected about the complaint.

The Danish DPA notes, that the DPA with this letter has not assessed Live Nation's compliance with the rules laid down in the Danish Cookie Executive Order (Order No. 1148 of 9 December 2011 on Information and Consent Required in Case of Storing and Accessing Information in End-User Terminal Equipment, 'Cookiebekendtgørelsen')². In Denmark, the Agency for Digital Government is the national regulatory authority competent to supervise the compliance with these rules.

¹ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation).

² The Danish Cookie Order implements the ePrivacy Directive (2002/58/EC)

2. The Danish DPA has carried out a brief investigation of the website www.livenation.dk and, in this context, the DPA discovered – most recently when visiting the website on 11th September and 11th October 2024 – that Live Nation had changed how the consent was obtained on the website after the complaint was lodged, which means, that Live Nation essentially no longer processes personal data about the complainant in the manner stated in the complaint. This implies that on the first layer of the consent mechanism, Live Nation introduced the possibility of both accepting and refusing the processing of personal data by the use of cookies. In addition, there are no longer pre-ticked boxes in other layers relating to the purposes of the processing which were previously concealed from data subjects and which the data subjects, already in the first layer, unknowingly accepted by pressing “accept.”

According to Article 57(1)(f) of the GDPR, the supervisory authority is to handle complaints lodged by data subjects and examine the subject matter of the complaint to the extent appropriate.

It is the Danish DPA's assessment that a further investigation of the case based on the original consent mechanism will not significantly improve the complainant's legal position, nor increase the level of data protection in general. Therefore, the DPA finds no basis for investigating the case further on the basis of the previous consent mechanism.

Although the Danish DPA finds no basis for carrying out a further investigation on the basis of Live Nation's previous consent solution, the DPA has – on the basis of visits to the website on 11th September and 11th October 2024³ – found it appropriate via this informative letter to provide Live Nation with guidance on the data protection rules that are relevant for Live Nation to be aware of in relation to Live Nation's revised consent mechanism. The Danish DPA has thereby investigated the matter to the extent required by article 57(1)(f) of the GDPR.

According to Article 4(11) of the GDPR, ‘consent’ means any freely given, specific, informed and unambiguous indication of the data subject's wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her.

Article 4(11) of the GDPR thus lays down a number of conditions under which consent may be regarded as valid.

It follows from the EDPB's guidelines on consent that, in any event, consent must always be obtained before the controller initiates the processing of personal data on the basis of which consent is to be obtained. Although this is not expressly mentioned in Article 4(11) of the GDPR, this is an inherent prerequisite. The wording ‘has given’ in Article 6(1)(a) of the Regulation supports this interpretation.⁴

According to the EDPB, in situations where a controller processes personal data using cookies, it is necessary for the controller to obtain the data subject's consent before processing the data, that is to say, before storing or obtaining access to the data.⁵

³ In this connection, the Danish Data Protection Agency refers to the attached Annex.

⁴ EDPB Guidelines 5/2020 on consent under Regulation 2016/679, version 1.1 of 4 May 2020, paragraph 90.

⁵ EDPB Opinion 5/2019 on the interplay between the ePrivacy Directive and the GDPR, in particular as regards the competence, tasks and powers of data protection authorities, paragraph 40.

In addition to the above, Live Nation should also be aware of that pursuant to Article 17(1)(a)-(f) of the GDPR, the data subject may in some cases have the right to have personal data concerning him or her deleted by the controller, for example if the personal data has been collected on the basis of an invalid consent. In that case, the controller should on its own motion take the initiative to erase the data, as further processing on the basis of the consent cannot be lawful, cf. Article 5(1)(a) GDPR.

3. In light of the above, Live Nation is hereby given the opportunity to consider whether Live Nation's processing of personal data on the website www.livenation.dk is in compliance with the data protection rules – in particular in light of the above mentioned considerations – and whether there is basis for making adjustments to the website. Live Nation is also given the opportunity to consider whether the complainant's inquiry gives reason to erase the complainant's personal data, to the extent that erasure of the personal data has not already been carried out.

At the same time, the Danish DPA emphasizes that according to article 17(1)(d), a controller must erase personal data about a data subject ex officio if it turns out, that the data has been processed illegally, including on the basis of an invalid consent.

The Danish DPA hereby considers the case closed and will not take any further action in this regard.

However, the Danish DPA notes the case will be included in the ongoing considerations of the Danish DPA of future supervision activities, including which data controllers are to be investigated and which cases the Danish DPA should initiate on its own initiative. It cannot be denied that the Danish DPA will revisit the website in question in order to assess whether Live Nation has considered some of the matters that the Danish DPA has addressed in this letter.

4. The decisions of the Danish DPA cannot be brought before any other administrative authority, cf. Section 30 of the Danish Data Protection Act⁶. However, the decisions of the Danish DPA can be brought before the Danish courts, cf. Section 63 of the Danish Constitution.

Should this letter give rise to any questions, Live Nation may contact the Danish DPA by phone on + 45 33 19 32 00 and ask for the undersigned.

Kind regards



Annex: Screenshots from the website www.livenation.dk of 11 September and 11 October 2024 in connection with the Danish DPA's visits on the website.

⁶ Act on supplementary provisions to the regulation on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (the Data Protection Act).