

UK's Top Websites Receive Cookie Warnings from the Information Commissioner

Article By:

Claude-Étienne Armingaud

The UK's **Information Commissioner** (the "ICO") has recently sent **warnings** to the UK's most visited websites to inform them that they may face enforcement action if they do not make changes to their cookie banner to ensure compliance with UK data protection law. For example, some websites warned by the ICO do not provide their user with a fair choice on tracking for personalised advertising. This position aligns with the EU's stance, noting France.

The ICO's actions are part of a larger commitment to ensure individuals' privacy rights are upheld by companies active in the online advertising industry. Publishers receiving a warning only have 30 days to amend their websites in line with **UK GDPR**. As further incentive for publishers to get compliant, the ICO has also warned that it will publish the details of those websites that have not made the requested changes in January. Such publicity may be even less welcome than the potentially large fines associated with breach of the data protection framework.

The statement made by the ICO highlights once again the importance for companies to review how cookies are used on their

websites and how their cookie banners, along with the cookie consent management solution, are displayed. To be compliant, websites must make it as easy as possible for users to reject all advertising cookies. Personalized advertising can be compliant as long as it is based on the user's consent. In case users reject all advertising cookies, websites can only show general adverts that are not tailored to the users' browsing history. Consequently, websites should display a cookie banner that makes it as easy for users to reject cookies, as it is for them to accept cookies.

The ICO's guidance in relation to cookie banners can be found **here**, which may need to be further updated with the newly presented Data Protection and Digital Information Bill.

Copyright 2024 K & L Gates

National Law Review, Volumess XIII, Number 341

Source URL:<https://natlawreview.com/article/uks-top-websites-receive-cookie-warnings-information-commissioner>