

First party anonymous analytics cookies will be exempted under Dutch law

Today, 20 December 2012, the Dutch Minister of Economic Affairs announced that the Dutch cookie law may possibly be amended with regard to first party anonymous analytics cookies.

Under the Dutch cookie law (article 11.7a of the Telecommunications Act), all cookies that are not strictly necessary for the essential operation of a website require prior informed (opt-in) consent. Cookies that analyse how users use a website (analytics cookies) are considered not strictly necessary and therefore require such prior consent.

The Minister of Economic Affairs has indicated in a [letter](#) to Parliament that he recognises the value of knowing how websites are used, and that the impact on users' privacy is low when it concerns cookies that (i) cannot be related to one individual user (in other words: are anonymised) and (ii) are not shared with third parties. This has led the Minister to start working with the regulatory authority OPTA on drafting conditions that will make the exemption of such anonymous first party analytics cookies possible.

Please note that the proposed exemption only relates to *first party* cookies. Google Analytics uses cookies from Google. These qualify as third party cookies and will therefore not fall under this exemption. For the use of these cookies, prior consent of users is therefore still required.

Contact

Should you have any questions about the practical implications of this decision, please do

not hesitate to contact:

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