



Cookie Policy

Ext.prc.001.01 | 04.24.2018

Overview

The EU General Data Protection Regulation (GDPR) has now been officially published and will be enforced across the EU beginning May 25, 2018. The new law heralds a big change for online services in particular, and explicitly brings the use of cookies and similar technologies under its remit.

In recognition of the changes, the European Commission has launched a public consultation as part of a process for a revision of the ePrivacy Directive from which the EU cookie laws are derived. The aim of this revision is to make sure these two instruments are harmonized for maximum consistency in the areas where they overlap.

GDPR Relationship with ePrivacy Directive

The GDPR is an over-arching piece of legislation dealing with all aspects of the processing of personal information. The ePrivacy Directive has a tighter focus on communications and internet services that “particularizes” the data protection rules—i.e., it relies on the general rules of the GDPR and overlays these with more specific requirements within its own remit.

Among ePrivacy reforms being considered is the creation of a regulation that would be broadly and directly applicable rather than relying on changes to individual member state laws. If that happens—and it seems there is a strong appetite for it—then this will eliminate many of the differences in interpretation of the cookie rules in different countries. Overall, this should make life easier for website owners, and especially for multinationals, although in some countries this will inevitably mean the rules become stricter than they are now.

GDPR on Cookies

Cookies are mentioned once in the GDPR, in **Recital 30**:

Natural persons may be associated with online identifiers...such as internet protocol addresses,

cookie identifiers or other identifiers.... This may leave traces which, in particular when combined with unique identifiers and other information received by the servers, may be used to create profiles of the natural persons and identify them.

What this essentially tells us is that cookies, where they are used to uniquely identify a device, or in combination with other data, with an individual associated with or using a device, should be treated as personal data. This position is also reinforced by **Recital 26**, which states that where data can reasonably be used, either alone or in conjunction with other data to single out individuals or otherwise identify them indirectly, then it is personal data. Use of pseudonymous identifiers (like strings of numbers or letters), which is what cookies typically contain to give them uniqueness, does not disqualify the cookies as personal data.

So, under the GDPR, any cookie or other identifier uniquely attributed to a device, and therefore capable of identifying an individual or treating them as unique even without identifying them, is considered personal data. This covers almost all advertising/targeting cookies, many web analytics cookies, and quite a few functional services like surveys and chat tools that record user IDs in cookies.

GDPR on Consent

Under existing rules, cookies that are not strictly necessary require consent, and the definition of consent and the requirements associated with it will change under the GDPR. To really understand what this means for cookies, let's look at **Recital 32**:

*Consent should be given by a **clear affirmative act** establishing a freely given, specific, informed and unambiguous indication of the data subject's agreement to the processing of personal data relating to him or her, such as by a written statement, including by electronic means, or an oral statement. This could include ticking a box when visiting an internet website, choosing technical settings for information society services or another*

statement or conduct which clearly indicates in this context the data subject's acceptance of the proposed processing of his or her personal data. Silence, pre-ticked boxes or inactivity should not therefore constitute consent. Consent should cover all processing activities carried out for the same purpose or purposes. When the processing has multiple purposes, consent should be given for all of them. If the data subject's consent is to be given following a request by electronic means, the request must be clear, concise and not unnecessarily disruptive to the use of the service for which it is provided. [emphasis added]

This suggests that consent for cookies will need to become much more unambiguously opt-in, so that when a user lands on a portal for the first time, cookies will have to be blocked until the user takes an action that makes it clear that he/she understands, and consents to, cookies being set.

How ZINFI Uses Cookies

We store and retrieve information on your browser using cookies. This information is used to make the portal work as you expect it to. The information is not personally identifiable to you, but it can be used to give you a more personalized web experience.

Strictly Necessary Cookies

These cookies are necessary for the website to function and cannot be switched off in our systems. They are usually set only in response to actions made by you which amount to a request for services, such as setting your privacy preferences, logging in or filling in forms.

You can set your browser to block or alert you to these cookies, but some parts of the site will not then work. These cookies do not store any personally identifiable information.

Performance Cookies

These cookies allow us to count visits and traffic sources so we can measure and improve the performance of the portal. They help us to know which pages are the most and least popular and see how visitors move around the portal.

All information these cookies collect is aggregated and therefore anonymous. If users do not allow these cookies we will not be able to monitor site performance.

Targeting Cookies

Information from page tags. We use third-party tracking services that employ cookies and page tags (also known as web beacons) to collect aggregated and anonymized data about visitors to our websites. This data includes usage and user statistics. Emails sent by ZINFI or by users through our services may include page tags that allow the sender to collect information about who opened those emails and clicked on links in them. We do this to allow the email sender to measure the performance of their email messaging and to learn how to improve email deliverability and open rates.

The presence of a cookie to advertise our services. We may ask advertising networks and exchanges to display ads promoting our services on other websites. We may also ask them to deliver those ads based on the presence of a cookie, but in doing so will not share any other personal information with the advertiser. Our advertising network partners may use cookies and page tags or web beacons to collect certain non-personal information about your activities on this and other websites to provide you with targeted advertising based upon your interests. You will continue to receive generic ads.



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