

Say “NO” to cookies – yet see your privacy crumble?

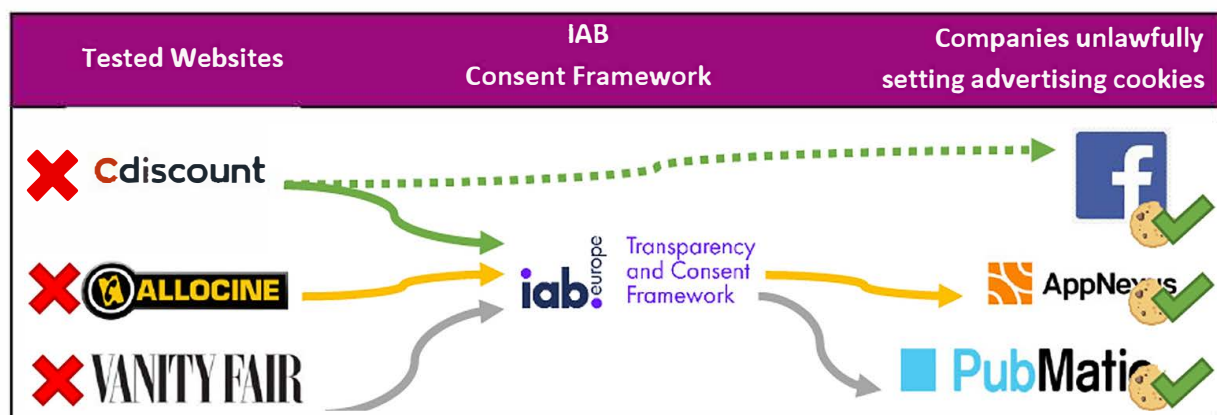
Cookie banners of large French webpages turn a clear “NO” into “fake consent”
noyb.eu files three GDPR complaints with the French Data Protection Regulator (CNIL)

Relying on the open source extension “Cookie Glasses” developed by researchers of the French institute Inria¹, **noyb.eu** identified countless violations of European and French cookie privacy laws as CDiscount, Allociné and Vanity Fair all turn a rejection of cookies by users into a “fake consent”. The privacy enforcement non-profit noyb.eu filed three formal complaints with the [French Data Protection Authority \(CNIL\)](https://www.cnil.fr/) today.

Up to 565 “fake consents” per users. Despite users’ going through the trouble of “rejecting” countless cookies on the French eCommerce page [CDiscount](https://www.cddiscount.com/), the movie guide page [Allocine.fr](https://www.allocine.fr/) and the fashion magazine [Vanity Fair](https://www.vanityfair.com/), these webpages have sent digital signals to tracking companies claiming that users have agreed to being tracked online. CDiscount has sent “fake consent” signals to 431 tracking companies per user, Allocine to 565 and Vanity Fair to 375, as the analysis of the data flows now show.

Major online advertisement companies rely on “fake consent”. Among the recipients of this “fake consent” are Facebook and the online advertising companies [AppNexus](https://www.appnexus.com/) and [PubMatic](https://www.pubmatic.com/). These companies have consequently placed tracking cookies after users’ have clearly objected to all tracking.

IAB framework plays key role. All webpages used the so-called “[IAB Transparency and Consent Framework](https://www.iab.com/industry-standard)”, an industry standard behind most cookie banners, to communicate the “fake consent”. Only Facebook does currently not use the IAB Framework - but still placed cookies without consent.



Statement by Gaëtan Goldberg, Data Protection Lawyer at **noyb**: “As if the annoying cookie banners using dark patterns to force people to consent were not enough, the current system allows webpages to simply ‘fake’ the consent of users. It appears that no one in this system ensures that users have actually agreed to being tracked. It is outrageous that webpages simply replace a ‘no’ with a ‘yes’ to be able to sell our data. We hope the CNIL will rapidly take action.”

¹ CELESTIN MATTE, NATALIJA BIELOVA and CRISTINA SANTOS, *Do Cookie Banners Respect my Choice? Measuring Legal Compliance of Banners from IAB Europe’s Transparency and Consent Framework*, 22 Nov 2019, <https://arxiv.org/abs/1911.09964>, accessed on 04 December 2019.

***noyb.eu* protects your privacy: Article 80 of the GDPR foresees that data subjects can be represented by a non-profit association. As in 20 cases right now, noyb brought this case on behalf of the data subjects free of charge. More than 360 supporting members allow noyb.eu to enforce the fundamental right to privacy.**

Further Questions:

***noyb.eu* - European Center for Digital Rights**

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