

**Question for written answer E-009636/2013  
to the Commission**  
Rule 117  
**Josef Weidenholzer (S&D)**

Subject: Tracking MAC addresses for advertising purposes

In summer 2013 the firm Renew in London installed tracking software from the company Presence Orb in 12 rubbish bins equipped with LCD displays. Using the media access control (MAC) address embedded in smartphones as an identification code, these rubbish bins can detect passersby and track them so as to display customised adverts. As all passersby need to have done is to have their Wi-Fi turned on, they are tracked without their knowledge – and nor are they notified of it. A person only has to walk once past one of these rubbish bins (or any one of the firms, premises, etc. that use this technology) with their Wi-Fi turned on for the MAC number to be recorded. This raises several questions in regard to data protection and consumer protection for EU citizens.

1. What is the Commission's view of the data protection aspects here?
2. Which firms (fashion chains, fast food restaurants, etc.) use Presence Orb's technology or similar technologies?
3. Does the Commission plan to revise the 'Cookie Directive' (Directive 2009/136/EC) in order to protect smartphone users from unwelcome tracking?
4. What is the radius of these gadgets? Could they, for example, capture data from members of the public who live near to a device equipped with the aforementioned software?
5. To what extent is tracking and targeting marketing of this kind (without the consumer's consent or knowledge) compatible with EU law?