Question for written answer E-005127/2021
to the Commission
Rule 138
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Subject: Breach of the General Data Protection Regulation by IAB Europe's possibly unlawful
consent framework

IAB Europe has been found to be in breach of Regulation (EU) 2016/679 (the General Data
Protection Regulation – GDPR), according to a draft decision by the Belgian Data Protection
Authority.

The identification code created for a person based on what they click in consent pop-ups is to be
considered personal data, making IAB Europe the data controller responsible for protecting people’s
personal data.

According to the Irish Council for Civil Liberties¹, IAB Europe knew that conventional tracking-based
advertising was incompatible with consent under the GDPR before launching the system. IAB
Europe’s consent pop-ups feature on more than 80 % of European websites and apps². Real-Time
Bidding, the primary tracking-based ad system, broadcasts users’ behaviour and real-world locations
to thousands of companies, billions of times a day.

IAB Europe’s consent system is supposedly designed to give people control over how their data are
used by the online advertising industry. However, it does not seem to matter what people click.

Given IAB Europe’s possibly unlawful consent framework, we would like to ask the Commission the
following questions:

1. How will users’ data be protected and what options do users have to revoke access to
companies?

2. What are the requirements for a sufficient consent framework, and how can they be enforced?

3. Did the Commission find evidence of tracking-based advertising’s incompatibility with consent
under the GDPR in its investigations into technology companies’ ad tech systems?

¹ Irish Council for Civil Liberties, Tracking-industry body IAB Europe told that it has infringed the GDPR, and its
‘consent’ pop-ups used by Google and other tech firms are unlawful, 2021. Available here:

² Lomas, N. IAB Europe says it’s expecting to be found in breach of GDPR, TechCrunch, 2021. Available here:
https://techcrunch.com/2021/11/05/iab-europe-tcf-gdpr-breach-belgium/