The Commission is aware of the practices referred to by the Honourable member.

Article 5(3) of Directive 2002/58/EC\(^1\) (ePrivacy Directive) requires user consent for gaining access to information stored in a user’s terminal equipment (e.g. Personal Computers, smartphones), except for the transmission of a communication or the provision of a service requested by the user. The ePrivacy Directive relies on the definition of consent laid down in Regulation 2016/679 (General Data Protection Regulation)\(^2\), which requires that consent is freely given, specific, informed and an unambiguous indication of the user's wishes. Following such access, any processing of personal data must have a legal basis pursuant to the General Data Protection Regulation and comply with all other requirements set out therein.

The Commission is strongly committed to the protection of personal data and EU law provides a strong legal framework to this effect. Without prejudice to the competences of the Commission as Guardian of the Treaties, the monitoring and enforcement of the privacy and data protection rules fall within the competence of the national authorities and courts of the Member States.
