

# Ro.

## Reklamombudsmannen

### Cookie rules

As of July 1, 2011, the Electronic Communications Act has been tightened. This is to increase the privacy of Internet users.

On [www.minacookies.se](http://www.minacookies.se) you will find information on the use of cookies as well as cookies and advertising.

As a guide for market participants, a recommendation on the use of cookies has been developed by the industry on the initiative of [IAB Sweden](#), see below.

### Recommendation on the use of cookies and similar technology

#### 1. Introduction

##### 1.1. purpose

1.1.1. The purpose of this Recommendation is to express good practice in the use of cookies and other such storage and retrieval of information in users' equipment covered by Chapter 6, Section 18 of the Electronic Communications Act (2003: 389).

1.1.2. The recommendation provides guidance on how information for the user about the use of cookies can be presented and formulated and for the assessment of when consent has been given. It also aims to promote the development of the conditions for the user to easily prevent the use of cookies in cases where this is desired.

##### 1.2. scope

1.2.1. The provisions on the use of cookies in this Recommendation also apply, where applicable, to any other procedure covered by the aforementioned provision in LEK. For the sake of simplicity, only the term "cookies" will be used in this Recommendation for all procedures covered.

1.2.2. The Recommendation does not refer to the storage or access of information needed to transmit an electronic message through an electronic communications network or necessary to provide a service that the user or subscriber has explicitly requested, as these are not covered by the provisions of the LEK.

1.2.3. The recommendation only covers the use of cookies for marketing purposes and other business activities. However, all operators are free to comply with the Recommendation also when using other cookies. Examples of such other use of cookies are those made by authorities and in non-commercial activities.

### **1.3. Framework for OBA**

When applying this Recommendation, consideration must also be given to the Framework for Interest-Controlled Online Advertising (OBA) adopted in April 2011 by EASA and IAB Europe.

## **2. Use of cookies**

2.1 All use of cookies must comply with applicable law.

2.2 The use of cookies in connection with marketing or otherwise in business operations must comply with this Recommendation to constitute good practice and thus comply with good marketing ethics. When using cookies in contexts that are considered sensitive when processing personal data, the user should consider whether express consent is appropriate.

2.3 When using cookies, reasonable steps must be taken to counter any IT security risks. The measures shall be designed to ensure a level of security which, taking into account available technology and the cost of implementing the measures, is adapted to the risk of IT security incidents.

## **3. Information**

### **3.1. signage**

3.1.1. A website that uses cookies should display information about this in a prominent place. The signage should be designed and presented so that it is clear that the website uses cookies.

3.1.2. The signage may be in words or pictures, e.g. in the form of an icon. The signage should be clickable and link to in-depth information on the use of cookies that occur. It is positive if the signage is designed so that it can be perceived by standard aids for the disabled.

3.1.3. The in-depth information about cookies can be made available on the same website that sets the cookie, or on another website. In-depth information about cookies can be compiled on a specially created website for this purpose, such as [www.minacookies.se](http://www.minacookies.se) .

### **3.2. Content**

3.2.1. All information should be provided with words or pictures that are clear and easy to understand and preferably in formats that can be perceived by standard aids for the disabled.

3.2.2. Information on the use of cookies should provide a basic orientation about what cookies are and how they technically work, in addition to informing about the specific cookie and the purpose of its use.

3.2.3. The information should clarify how the user should proceed to deny or revoke consent to the use of cookies. The possibility of changing browser settings and removing some or all

existing cookies from the user's equipment should be highlighted.

3.2.4. The purpose of the use of the cookie must be described in such a comprehensive way that the user is given a reasonable precondition for deciding whether or not to give consent.

3.2.5. Where third-party cookies are used on the website, this should be stated in the information. Read more about third party cookies in the Appendix to the Recommendation.

### **3.3. Contact**

Each website should provide contact information to which the user can turn to questions regarding cookies used by the website.

## **4. Consent**

### **4.1. Communication of consent**

4.1.1. In accordance with LEK, cookies may only be used with the consent of the user.

4.1.2. The user may give his consent in a manner that is appropriate in the circumstances, e.g. using appropriate browser settings or by other means. In case the browser or other similar equipment lacks the ability to set certain forms of cookies, consent is required by other means.

### **4.2. Leave of consent**

There may give his consent in a manner that is expedient in the circumstances, e.g. using appropriate browser settings or by other means. In case the browser or other similar equipment lacks the ability to set certain forms of cookies, consent is required by other means.

### **4.3. Denial of consent**

4.3.1. The user primarily denies his or her consent to the use of cookies through appropriate browser settings or another device.

4.3.2. Through a service on the website [www.youronlinechoices.eu](http://www.youronlinechoices.eu), the user is able in some cases to opt out of the use of cookies according to individual wishes.

4.3.3. Where the user's browser or other similar equipment is set so that it is closed for the use of cookies, it is a requirement that this be respected. If the user has removed a cookie, the information from the removed cookie may not be transferred to a new cookie without the user's explicit consent.

## **5. Interpretation of the Recommendation**

The Advertising Ombudsman Foundation (RO) and the Advertising Ombudsman's Opinion Committee (RON) review and test after notification of certain use of cookies for marketing purposes is consistent with this Recommendation.

## **6. Responsibility for the Recommendation**

This Recommendation has been developed in collaboration between the following organizations and companies:

### **Organizations**

IAB Sweden, Business Delegation for Market Law, Sweden's Advertisers, Sweden's Communications Agencies, Sweden's Media Agencies and the Newspaper Publishers.

### **Companies**

Adform, Eniro, Google, Microsoft, Specific Media, TradeDoubler and Vendemore.

The collaboration has also included discussions on the content of the Recommendation with authorities such as the Swedish Post and Telecom Agency and the Data Inspectorate, as well as organizations such as ICC Sweden and Sweden's Consumers. However, these conversations do not mean that the interlocutor has approved or otherwise joined the Recommendation.

## **7. Continued work**

The scope of the Recommendation is in continuous development. The text of the recommendation is therefore intended to be updated as necessary from time to time to reflect changes in technology and business models in Sweden and within the European Union.

## **Information about cookies and comparable technology**

### **1. Cookies**

#### **1.1. What are cookies?**

A cookie is a text file that, when connected to a website, is stored on and at later visits, retrieved from, the visitor's computer or computer-like devices eg. mobile phones. The cookie is saved in connection with the files used by the computer's browser or the corresponding program. The computer user can easily access, block and remove stored cookies if desired.

It is very common for websites to use cookies as they are often used for basic functions.

Cookies are used as tools including to:

- store settings for how a website should be displayed (resolution, language, etc.)
- enable encryption of transmission on the Internet of sensitive information
- enable observation of how users make use of the website and thus gather information on how the site can generally be developed
- link the user's exposure to advertising on websites to their e-commerce transactions as a basis for calculating compensation for the website and advertising networks
- gather information on user behaviors to adapt and limit the content and advertising on visited websites to these behaviors.

The behavioral adaptation that is made is very important for the user experience of the internet. The advertisements that the user is exposed to are typically more relevant to them. The increased value of behavioral advertising contributes to a large extent to the fact that attractive services can be financed by advertising rather than fees.

## **1.2. First-party cookies and third-party cookies**

A distinction is made between first-party cookies and third-party cookies.

First-party cookies are set by the website that is directly called by the user when they enter the site's address by entering text or clicking on a link.

Third-party cookies often come from ads on the website that the user has called. The ads, in turn, are downloaded from an external website. Third-party cookies are also set by web analytics and traffic measurement providers that the site uses to let independent companies measure and evaluate visitors. The measurements are used to validate the site's information to the advertisers on the number of visitors, the size of the traffic, the target groups reached and the campaign results.

Third-party cookies are normally set and retrieved with the agreement of the called site. Agreement can take the form of a chain of mutually independent agreements where the called website does not have a direct agreement with the person who sets or retrieves the cookies.

## **1.3. Other technology covered by the Recommendation**

Examples of other technologies covered by this Recommendation are Local Shared Objects, Silverlight Isolated Storage, Google Gears and Internet Explorer userData to name a few. These have in common that they save and later use information in the user's equipment but with other technical tools than cookie agents.

## **1.4 Framework for Interest-Based Online Advertising (OBA)**

EASA/IAB Europes Ramverk för intressestyrd online-annonsering (OBA) tillämpas på användning av cookies och jämförbar teknik med fokus på beteende vid webbsurfning över tid och över webbdomäner som saknar ägarsamband, där tekniken används till att skapa intresseprofiler eller för att koppla surfvanor till sådana intresseprofiler i syfte att visa reklam anpassad till den webbsurfande personens intressen och preferenser.

Ramverket finns tillgängligt att laddas ned från [www.minacookies.se](http://www.minacookies.se).

## **2. Reglering**

Användning av cookies regleras i 6 kap 18 § lagen (2003:389) om elektronisk kommunikation ("LEK"). Från den 1 juli 2011 har lagbestämmelsen ändrats på så vis att cookies får användas bara om användaren får tillgång till information om för vilket ändamål cookies används och samtycker till den (se avsnitt 4 nedan om samtycke). Cookies får dock liksom tidigare alltid användas när det är nödvändigt för att överföra elektroniska meddelanden via ett elektroniskt kommunikationsnät eller för att tillhandahålla en tjänst som användaren uttryckligen har begärt.

Ändringen i LEK av regleringen om cookies görs för att införa EU-direktivet 2009/136/EG. I inledningsavsnitt 66 till direktivet nämns cookies som ett exempel på legitima fall av sparande och senare hämtning av uppgifter i användares datorer.

In the preparatory work to the legislative amendment, it is stated that the legislation should, as far as possible, leave to market participants and users to develop standards for the use of cookies that are adapted to the practical conditions. This Recommendation is an example of such a norm.

[Pdf version in Swedish .](#)

[PDF version in English .](#)