Web Tracking:

International Working Group on Privacy in Telecommunications demands better protection of privacy – Respect for context, transparency and control remains essential

The International Working Group on Data Protection in Telecommunications (a.k.a. “Berlin Group”), which holds meetings twice a year since its foundation in 1983 and is chaired by the Berlin Commissioner for Privacy and Freedom of Information Dr. Alexander Dix, has at its meeting on 15-16 April 2013 in Prague (Czech Republic) adopted a Working Paper on “Web Tracking and Privacy”. In this paper, the Group describes common methods of collection, analysis and application of data about user activities from a computer or other device (e.g. a smart phone) while using various services of the information society on the Internet. These data are increasingly combined and analysed for various purposes ranging from charitable to commercial purposes of the different actors offering such services or parts thereof.

Modern Web Tracking allows providers to monitor almost every single aspect of user behavior all over the Internet. This possibility bares a potential for the creation of a thorough history of the entire Internet usage of a data subject for potentially unlimited periods of time – literally from the cradle to the grave. These interest profiles (or “user profiles”) can be further enriched with data from the “offline world” on almost every aspects of our life data brokers have information about, including financial information as well as information on, for example, on leisure, health, political and/or religious opinion as well as location information.

This development holds an unprecedented risk for the privacy of all citizens in an information society. The worst case scenario is that it would turn the world as we know it into a global panopticon: the offline equivalent would be to have somebody unknown to us constantly looking over our shoulders no matter where we are (in the streets or in the seeming privacy of our homes), or what we do (watching TV, shopping online, reading newspapers, and even more intimate activities), and without knowing when he is looking and when he isn’t.

Governments have in the past largely turned a blind eye on this alarming development and have left it to self regulatory activities of the providers of services in the information society which have up to now not led to sufficient observance of privacy of people.

More recently, the World Wide Web Consortium (W3C) has installed a Working Group chartered with the development of a technical standard for better control of the analysis of Internet user behavior by citizens (“Do not Track”). According to the latest drafts, it seems that the interests of industry have taken precedence in this process up to now, while the protection of privacy of people has not been addressed sufficiently. There is a danger that the laudable goal to let users gain back control over the processing of their personal data through the introduction of a “Do not Track”-switch will fail.

In its Working Paper, the “Berlin Group” gives recommendations for the minimization of the dangers for privacy of people addressed to the different stakeholders playing a role in the eco system of web tracking. Specifically, the Group demands the strict observation of the principle of purpose limitation, as well as better information of users about possible repercussions of choices made on the processing of their personal data. Finally, users should gain back control about the use of their personal data through easy-to-use technical mechanisms. Wherever technical facilities available to users (especially the so called “browsers”) do not provide for a user interface, the default settings should be such that the user is not tracked. At the same time, users should have the opportunity to reconsider their choice and change settings after the initial decision at any time.

Alexander Dix, Berlin Commissioner for Data Protection and Freedom of Information: “The current practice of analysis of user behavior on the Internet has seen an uncontrolled growth in the last years which has to be tackled. Governments, international organisations and providers of services in the information society have to ensure that the protection of privacy will in the future have more priority in the use of services of the information society. It is now for the first time that a Working Group composed of representatives of agencies from all over the world charged with the protection of privacy, and composed of representatives European as well as non-European countries like Canada, South Korea and New Zealand, but also from international organisations like the Council of Europe – has adopted a detailed catalogue of recommendations, which will hopefully be a valuable contribution to better protect the privacy of people on the Internet in the future.”