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Dear X

The Privacy and Electronic Communications (EC Directive) (Amendment) Regulations 2011

As you may be aware, last year amendments were made to the Privacy and Electronic Communications (EC Directive) Regulations 2003. These changes came into force in the UK on 26 May 2011 through the Privacy and Electronic Communications (EC Directive) (Amendment) Regulations 2011.

The purpose of this letter is to gather information to assist the Commissioner in understanding how organisations are working towards, or have achieved compliance with the revised rules for cookies. We are writing to you as your website is one of the most popular used by the general public.

The Information Commissioner issued advice on 9 May 2011 followed by guidance on 13 December 2011. This advice and guidance summarised the Commissioner's approach to compliance with the new regulations which included a phased approach to allow organisations to take steps to ensure they can properly comply with the revised cookie rules by May 2012.

As part of the phased approach, the Commissioner exercised his discretion not to use his enforcement powers for 12 months. That period of grace is now coming to an end and from 26 May 2012 onwards the Commissioner will follow the approach to enforcement set out in his Data Protection Regulatory Action Policy.

Compliance with the regulations

Your organisation may have already had discussions with this office regarding the regulations and your implementation of solutions. You should therefore use this opportunity to update the Information Commissioner on progress.

Our expectation is that you will now be able to demonstrate the action your organisation has taken to comply with the revised rules for cookies.

If your organisation has not yet achieved compliance, please provide an explanation about why it has not been possible to comply within time, a clear timescale for when compliance will be achieved, and details of specifically what work is being done to make that happen.

It will assist the Information Commissioner if you could also explain what you are doing to ensure users are aware of any third party activity, such as analytics or advertising, taking place on your website, and what information you are providing to users about how to control that third party activity via their browser.

The Information Commissioner's powers

The Information Commissioner's aim is to ensure organisations comply with the law. In cases where organisations refuse or fail to comply voluntarily the Information Commissioner has a range of options available to him to take formal action where this is necessary.

These options extend from undertakings, committing organisations to a particular course of action to enforcement notices and civil monetary penalties, the latter requiring organisations to pay a penalty of an amount up to a maximum of £500,000.

Next steps

Please inform the Information Commissioner of your progress towards compliance with the regulations within the next 28 days.

The Information Commissioner's advice and guidance on the regulations is on our website at:

www.ico.gov.uk/for_organisations/privacy_and_electronic_communications.aspx

The Information Commissioner's helpline is available on 0303 123 1113 from 9am to 5pm, Monday to Friday.

Yours sincerely

Dave Clancy
PECR Enforcement Manager