

Cookie banners missing 'reject all' buttons will be investigated, UK data watchdog warns

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Companies that fail to put a "reject all" button on their website cookie banners face a high likelihood of intervention by the UK's data protection authority, a senior figure from the regulator has warned. Stephen Bonner, deputy commissioner at the Information Commissioner's Office, told MLex in an interview that "there is no excuse" not to have a button, and that the watchdog is closely monitoring this area.

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Stephen Bonner, the deputy commissioner at the Information Commissioner's Office, told MLex in an interview today that the watchdog is "paying attention in this area."

Bonner warned today that companies that fail to put "reject all" buttons on their banners are risking enforcement. For companies that haven't done so, he said, "we will probably move through a set of regulatory interventions getting harder and harder to make sure the message gets out that organizations who try to do the right thing, can do the right thing."

"But ... if you don't have "reject all" on your top level [cookie banner], you are breaking the law," he said.

"There is no excuse for that. The ICO is paying attention in this area and will absolutely issue fines if we see organizations are not taking that seriously and taking steps. Equally, it's highly unlikely we're going to fine you if you fix it and make it better," he said.

Bonner stressed that the regulator would not immediately fine companies but rather "work through" increasingly strict stages of intervention first. However, he said, "do feel relatively confident that our position here is pretty straightforward and robust."

Cookies are small text files that track users from site to site and have become an important part of the online advertising ecosystem. Cookie banners are used to ask people if they want to allow the website operator to use the more invasive types of cookies.

Companies must ask for consent for these types of cookies, and regulators have long warned that this should mean including a "reject all" button on the banner that is just as prominent and easy to click as an "accept all" button.

There has been major enforcement concerning cookie consent, most notably in France, where the data protection authority has issued multiple big-ticket fines against Big Tech companies such as Google, Meta Platforms and Amazon (see here and here).

The ICO last year published a statement welcoming the introduction of a "reject all" button by Google. Bonner said today that the watchdog would "quite possibly" have fined Google had it not done that.

Although they remain a regulatory risk for now, cookie banners are expected to slowly fade away. Google has made plans to stop supporting third-party cookies — the type that can track users from site to site — on its Chrome browser, though this is delayed. The EU justice commissioner is pursuing options to move away from cookie browsers (see here).

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