

3 April 2024

IC-293148-Q4K6

Request

You asked us:

Could the ICO please provide copies of documentation setting out its analysis and/or position on the Do Not Track signal and its application under UK law and any obligation on websites to respect DNT.

We received your request on 06 March 2024.

We have handled your request under the Freedom of Information Act 2000 (the FOIA).

Our response

We have contacted the relevant area of the business, in this case our Technology Team, and have identified that we hold a general position on Do Not Track (DNT), but we do not hold an analysis which would fall within the scope of your request.

The ICO's position on DNT and its application under UK law is contained in the [guidance for the public on cookies](#), which says:

"Some browsers include a feature known as 'Do Not Track' or DNT. This allows you to indicate a preference that websites should not track you. However, whilst DNT is available in many browsers, websites are not required to recognise its request, so it may not always work."

Alongside this, the section of our detailed guidance for organisations on cookies has a subsection titled "[Can we rely on browser settings and other control mechanisms?](#)". This relates to a provision of the Privacy and Electronic Communications Regulations (PECR) that in principle allows consent to be signified by the settings of a browser or other software application. This subsection does not refer directly to DNT but is about any sort of setting or tool like it.

As the information requested in this part of your request is already available on our website it is technically exempt under section 21 of the FOIA, however, the links provided will take you directly to the relevant information.

Our Technology Team have identified documents which refer to Do Not Track, however, as stated above we have not located any documents which we consider to be an ICO analysis of this.

The team have identified the following documents which may be of interest to you, although they are not ICO documents and as such are not within the scope of your request:

- [Opinion 1/2017 on the proposed ePrivacy Regulation](#);
- [Opinion 1/2016 on the evaluation and review of the ePrivacy Directive](#)
- [Letter from Article 29 to W3C of October 2015](#)
- [Letter from Article 29 to W3C of June 2014](#)

It should be noted that the above documents were created during the time when DNT was still in active development by the World Wide Web Consortium (W3C). You may already be aware that W3C ceased development of the DNT standard in 2019.

This concludes our response to your request. I hope the information provided is helpful.

Next steps

You can ask us to review our response. Please let us know in writing if you want us to carry out a review. Please do so within 40 working days.

You can read a copy of our full [review procedure](#) on our website.

If we perform a review but you are still dissatisfied, you can complain to the ICO as regulator of the FOIA. This complaint will be handled just like a complaint made to the ICO about any other public authority.

You can [raise a complaint](#) through our website.

Your information

Our [privacy notice](#) explains what we do with the personal data you provide to us, and sets out [your rights](#). Our [Retention and Disposal Policy](#) details how long we keep information.

Yours sincerely



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