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Cookie Compliance in the Nordics



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1 About the analysis

It has been five years since GDPR came into effect. We investigated the current state of cookie compliance within the Nordic countries Finland, Sweden, Norway, and Denmark.

To do this analysis, we scanned the top websites across all industries of each country in February of 2023. We examined whether they track their visitors and have the legal basis for doing so. In total, we scanned 2202 websites.

The websites' compliance was assessed using the following criteria that are based on the regulations laid out by GDPR:

- Does the website have a cookie banner asking for freely given, unambiguous, informed consent?
- Does the website set cookies and other tracking technologies before the user has given their explicit consent?
- Does the cookie banner include a link to a complete cookie policy with information about who places them (them or a third party) and how long until they expire?
- Can the user change or withdraw their consent?

2 General Data Protection Regulation

The **General Data Protection Regulation (GDPR)** is a data protection and privacy law in the European Union. It came into force in all European member states on May 25, 2018, and is designed to harmonize European data privacy laws. The GDPR aims to protect EU citizens' data privacy and reshape organizations' personal data collection approaches.

The GDPR works explicitly to ensure that the collection and process of personal data have a lawful basis. This includes the use of cookies and other tracking technologies.

Cookie compliance refers to the extent to which companies adhere to the rules laid out by GDPR when it comes to using cookies. Cookies are small text files stored on a user's device when they visit a website. They are used to track user behavior and preferences and can be used to collect personal information such as browsing history and location data; therefore, the use is governed by GDPR.

Beyond the legal ramifications of not adhering to cookie regulations, cookie compliance can help to build trust with users by demonstrating that a website is transparent and respectful of their privacy rights. And by providing precise and concise information about cookie usage and obtaining user consent, websites can establish a more positive relationship with their users.

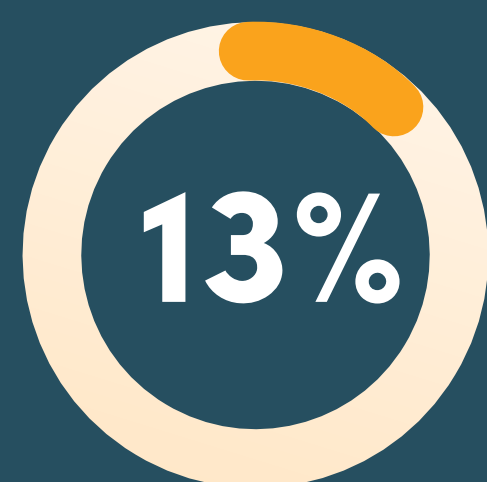
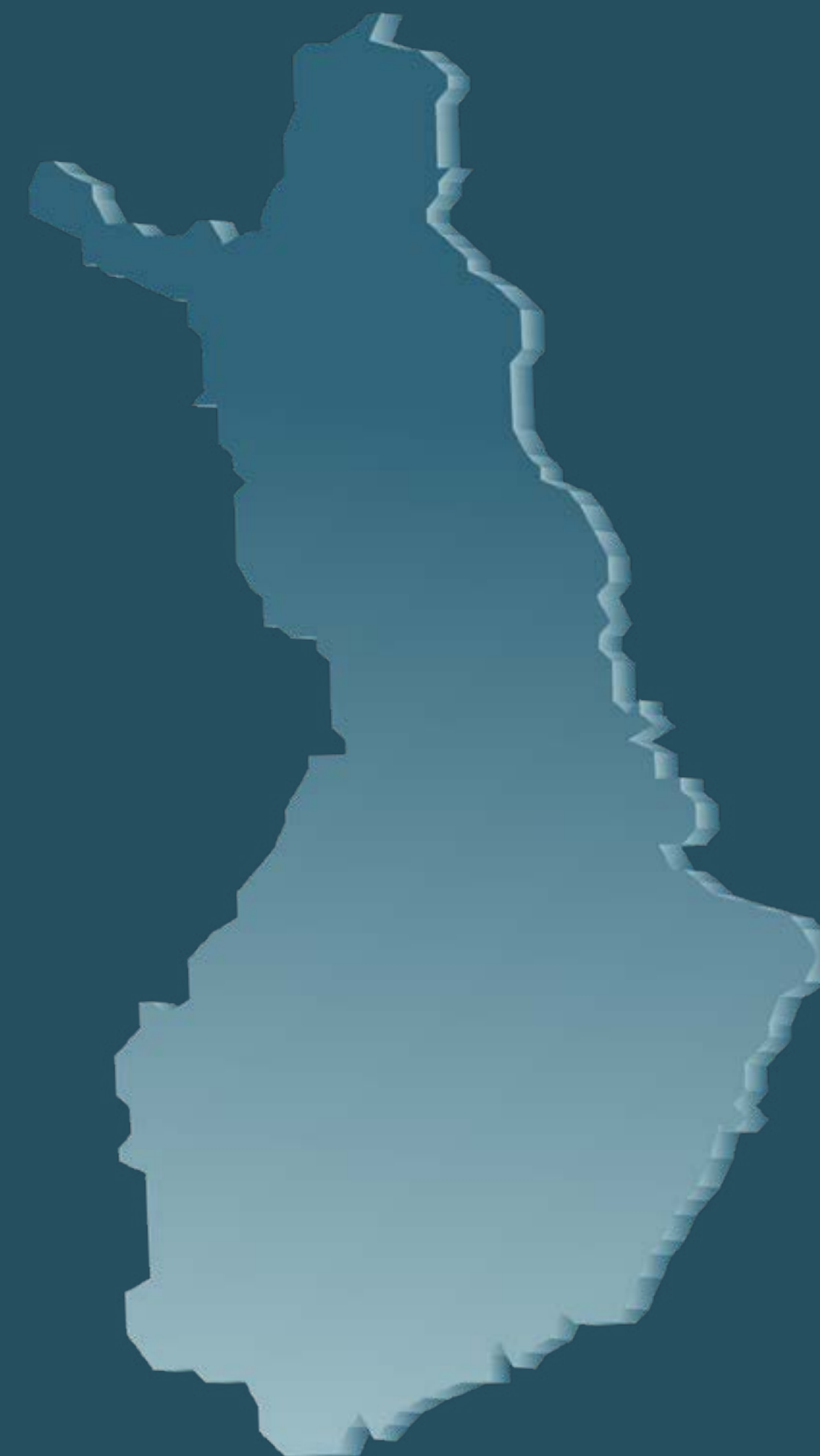


3 Finland

We scanned 412 websites across all industries in Finland and assessed the compliance of those websites using the criteria outlined in the introduction.

Two laws regulate the use of cookies in Finland. The laws concerning the use of cookies in Finland can be found in the (1) Act on Electronic Communications Services (Sähköisen Viestinnän Palveluiden Laki) (917/2014) in the article 205 and (2) the Data Protection Act (Tietosuojalaki) (1050/2018).

Two authorities enforce these laws in Finland. Finnish Transport and Communications Agency (Liikenne- ja viestintävirasto; Traficom) regulates the use of cookies and other trackers when these trackers store information on users' devices, including the kind of cookies users must give their consent to use. The Data Protection Ombudsman (Tietosuojavaltuutettu) regulates the use of tracking technologies and the collection of users' personal data on websites. Therefore, enforcing the regulations relating to obtaining user consents to use the said tracking technologies, such as cookies, is The Data Protection Ombudsman's responsibility.



Of the scanned websites are compliant.

Statistics of the scanned Finnish websites



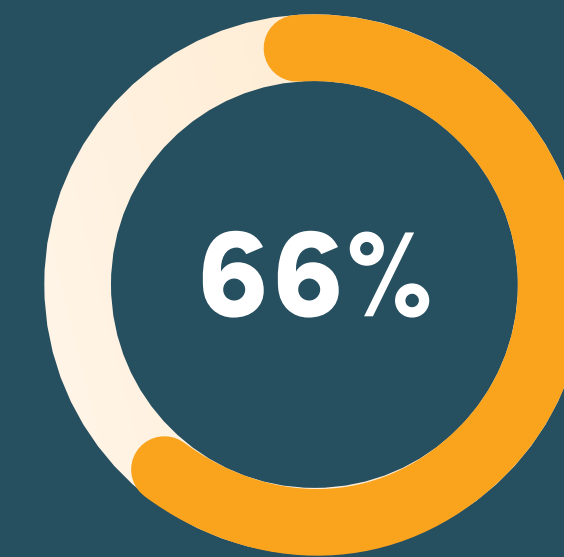
Have a cookie banner.



Have a cookie policy.



Set cookies before consent



Allow users to withdraw/
change their consent.

- The environment sector is the **most** compliant (26%)
- The top 3 **least** compliant industries are Real Estate & Construction, Fashion, and E-commerce

4 Sweden

We scanned 579 websites across all industries and assessed the compliance of those websites using the criteria outlined in the introduction.

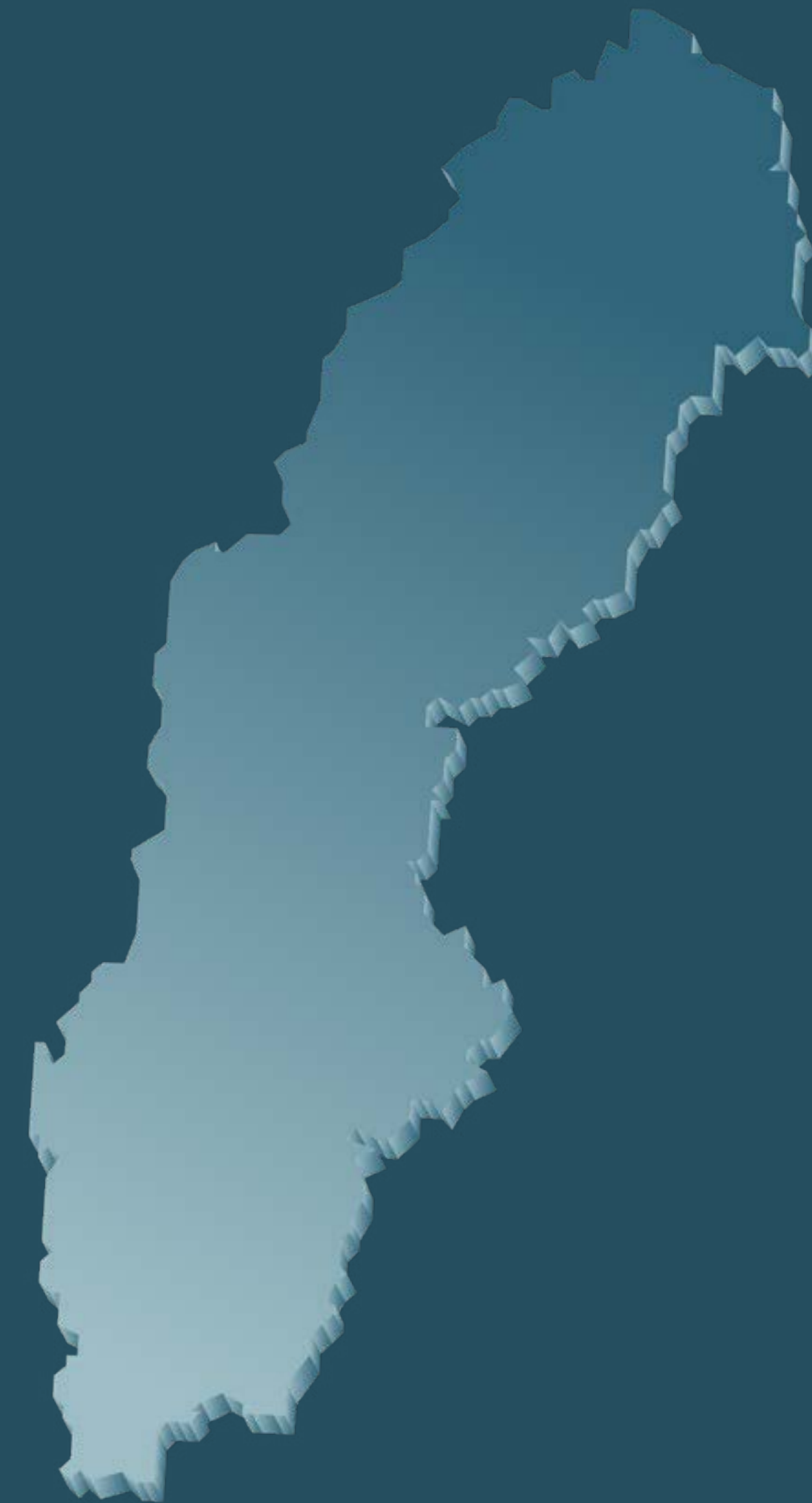
Two laws regulate the use of cookies in Sweden. (1) Lagen om elektronisk kommunikation (LEK) (2022:482), and (2) General Data Protection Regulation (GDPR).

The ePrivacy Directive from the EU is incorporated into the LEK. The LEK is supervised by the Swedish Post and Telecom Authority (Post- och telestyrelsen; PTS), and the Privacy Authority (Integritetsskyddsmyndigheten; IMY) is responsible for overseeing the regulations set by the General Data Protection Regulation (GDPR). This means that the PTS controls whether Swedish websites ask consent for tracking the right way. If personal data has been collected and processed incorrectly, the case will be referred to IMY.

The Swedish cookie guidelines also stipulate that cookie walls where the page's entire content is blocked until the visitor consents to cookies are not allowed. It also prohibits websites from requiring users to consent to use the service.



Of the scanned websites are compliant.



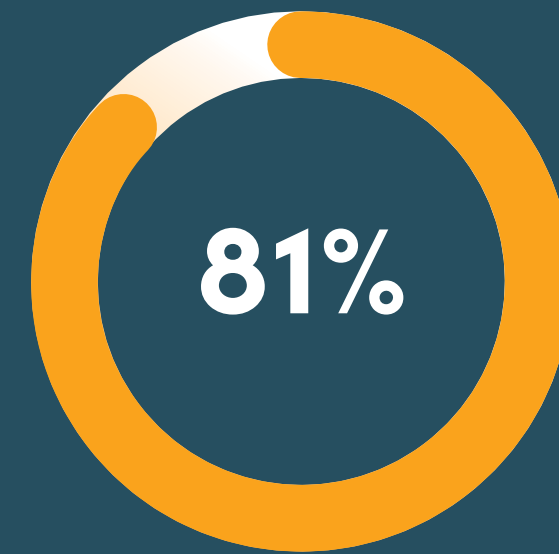
Statistics of the scanned Swedish websites



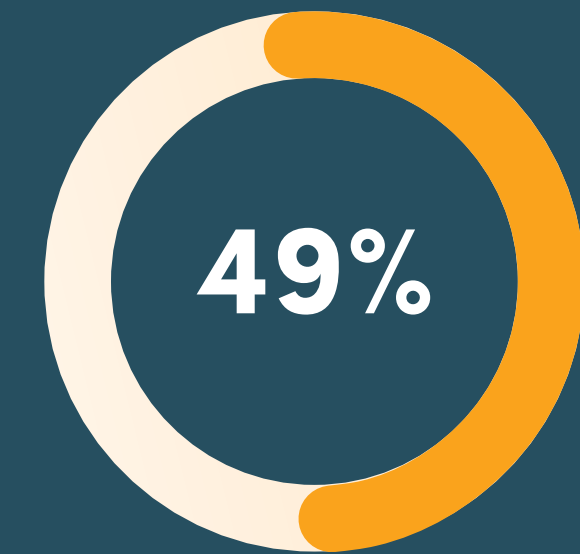
Have a cookie banner.



Have a cookie policy.



Set cookies before consent



Allow users to withdraw/
change their consent.

- The environment sector is the **most** compliant (22%)
- The top 3 **least** compliant industries are Banking/Finance, Information Technology, and Business Services.

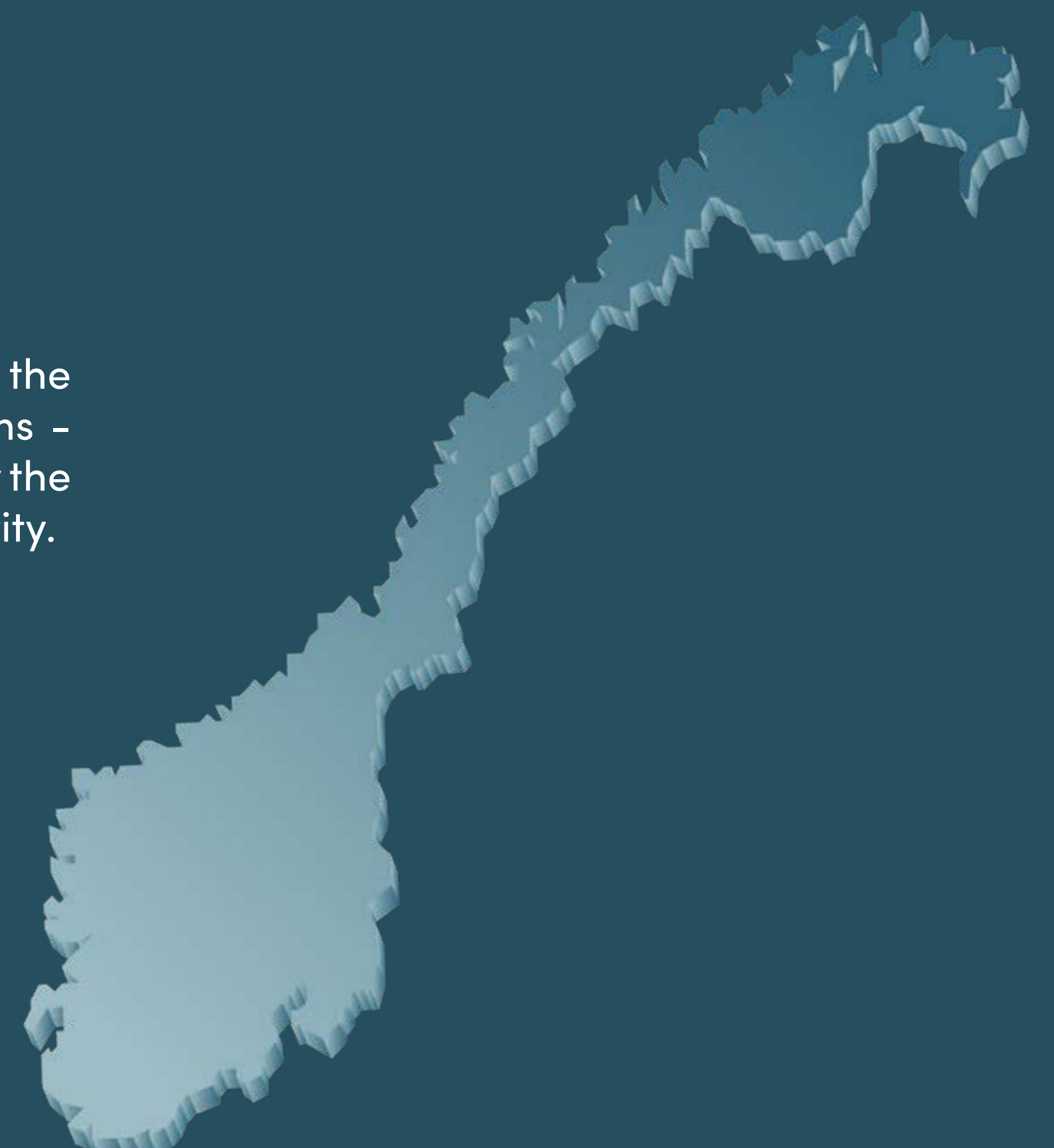
5 Norway

We scanned 577 websites across all industries and assessed the compliance of those websites using the criteria outlined in the introduction.

The Norwegian Communications Authority (“Nkom”) oversees and enforces the Electronic Communications Act, including compliance with the cookie provisions – while the GDPR regulates the further processing of the personal data collected by the cookies, with the Norwegian Data Protection Authority as the supervisory authority.



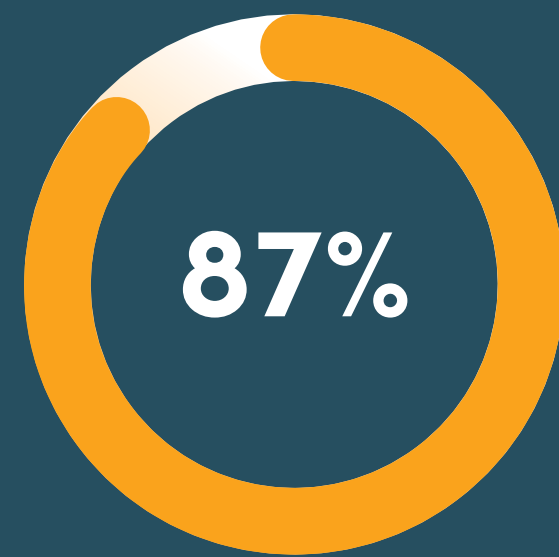
Of the scanned websites are compliant.



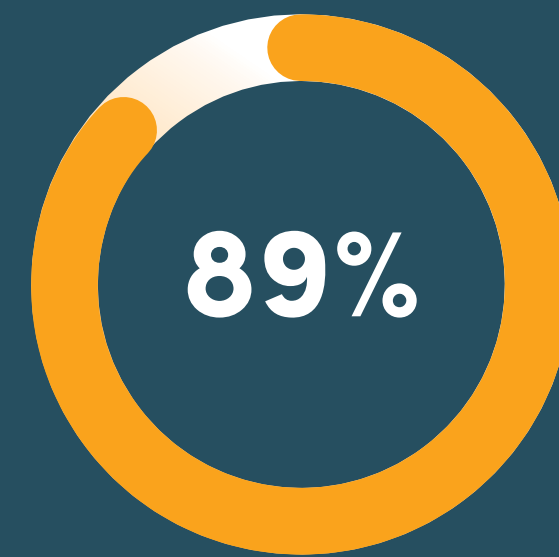
Statistics of the scanned Norwegian websites



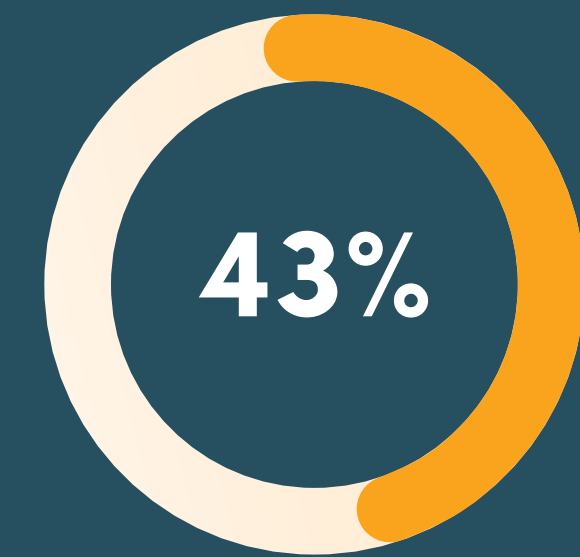
Have a cookie banner.



Have a cookie policy.



Set cookies before consent



Allow users to withdraw/
change their consent.

- The transport sector is the **most** compliant (22%)
- The top 4 **least** compliant industries are Media, Banking/Finance, Business Services, and E-Commerce.

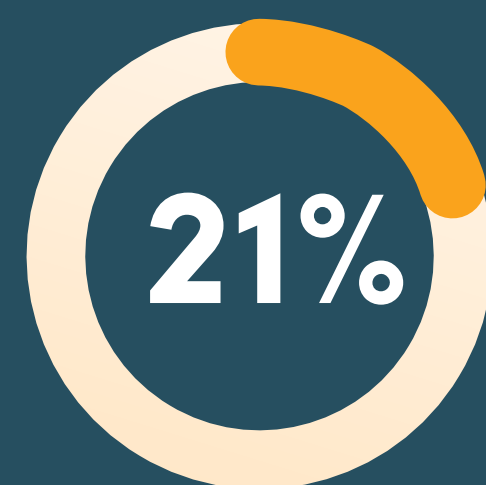
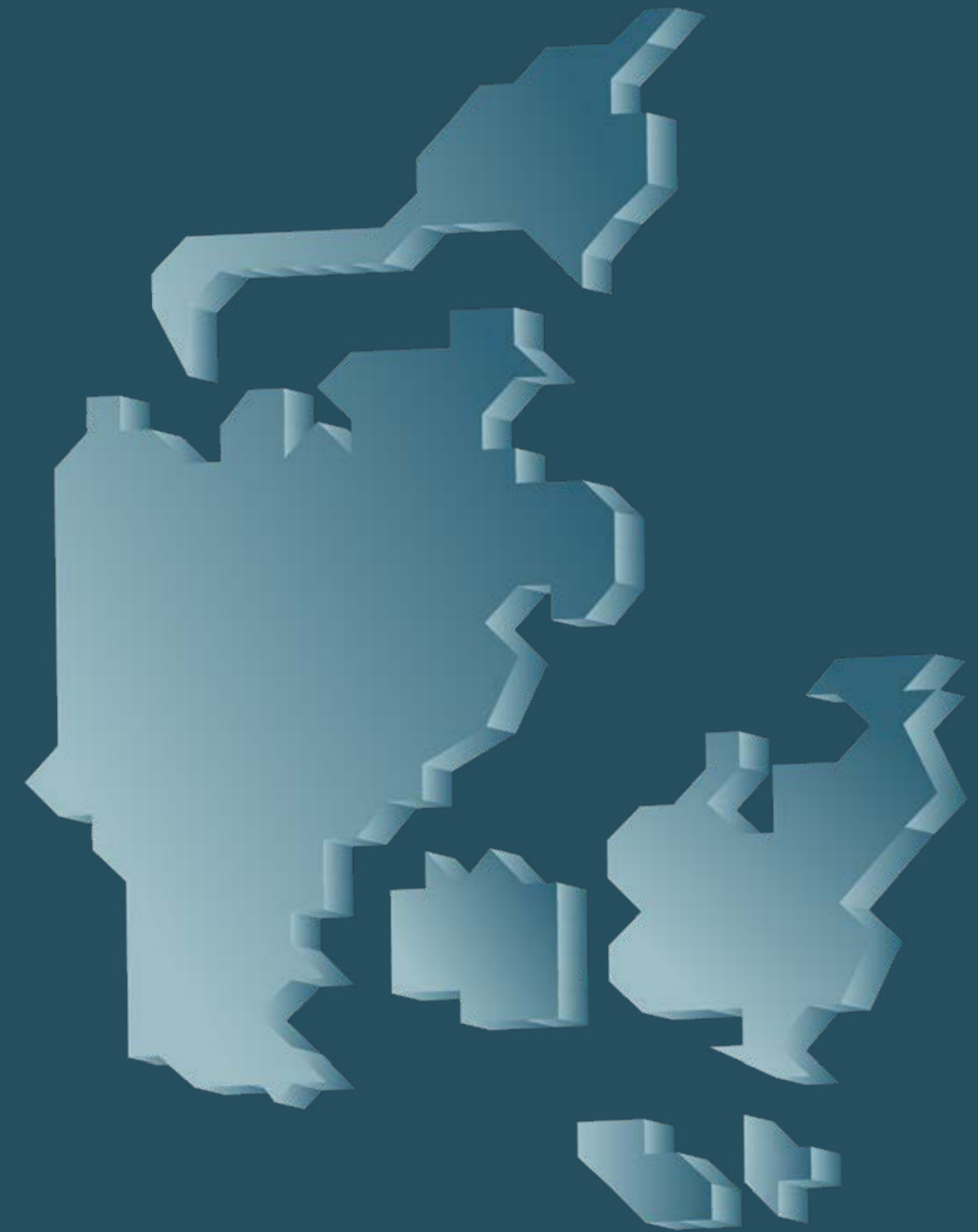
6 Denmark

We scanned 634 websites across all industries and assessed the compliance of those websites using the criteria outlined in the introduction.

Two laws regulate the use of cookies in Denmark. (1) Danish Cookie Law (Cookiebekendtgørelsen) (BEK no. 1148 of 09/12/2011) and (2) the General Data Protection Regulation (GDPR).

The cookie law concerns the use of cookies on websites. Every website must obtain users' consent when websites collect or gain access to information on your visitors' computer/tablet/phone. The cookie law is enforced by Danish Business Authority (Erhvervsstyrelsen).

When you are using tracking cookies, i.e., cookies that collect personal data, the General Data Protection Act (GDPR) applies. The GDPR is enforced by The Danish Data Protection Agency (Datatilsynet).



21%

Of the scanned websites are compliant.

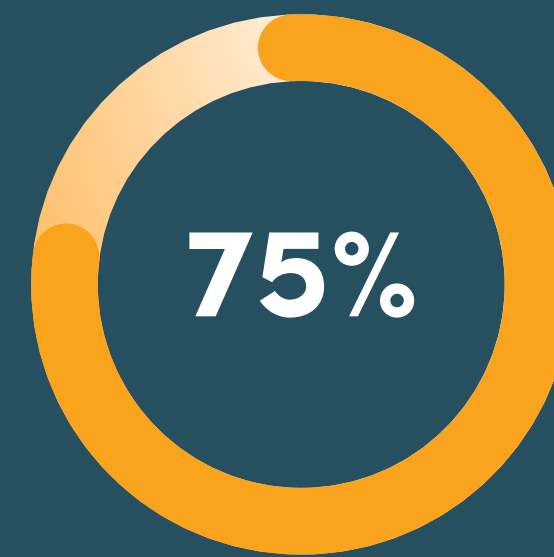
Statistics of the scanned Danish websites



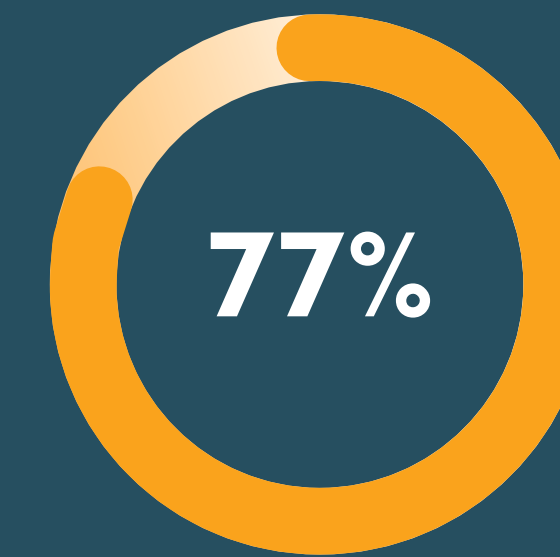
Have a cookie banner.



Have a cookie policy.



Set cookies before consent



Allow users to withdraw/
change their consent.

- The transport sector is the **most** compliant (50%)
- The top 4 **least** compliant industries are E-commerce, Fashion, Arts/Culture, and Sports.

7 Conclusion

Overall, compliance is low in Nordic countries. Users are being tracked against their will, which breaches the very core of GDPR and national data privacy regulations.

14% of all companies scanned were compliant.

Danish companies are the most compliant, with Norway being the least.

The transport sector is the most compliant across the Nordics at 26%, whereas E-Commerce is the least compliant at 3%. Interestingly, the transport sector was the most compliant in the Nordics but simultaneously had the fewest companies with a cookie banner.

- A total of 2202 websites were scanned.
- The scans were conducted in February 2023.

8 Why should you care?

Why should you, as a user, care?

The personal data that cookies collect can range from information about users' browsing habits and personal preferences to your physical location. This information is used to build detailed profiles of individuals, often used to serve targeted ads to users. While this may seem harmless, it may feel incredibly invasive and annoying --- Especially if it is done without your permission. It also means that your data potentially be stored forever and used for purposes you may feel uncomfortable with.

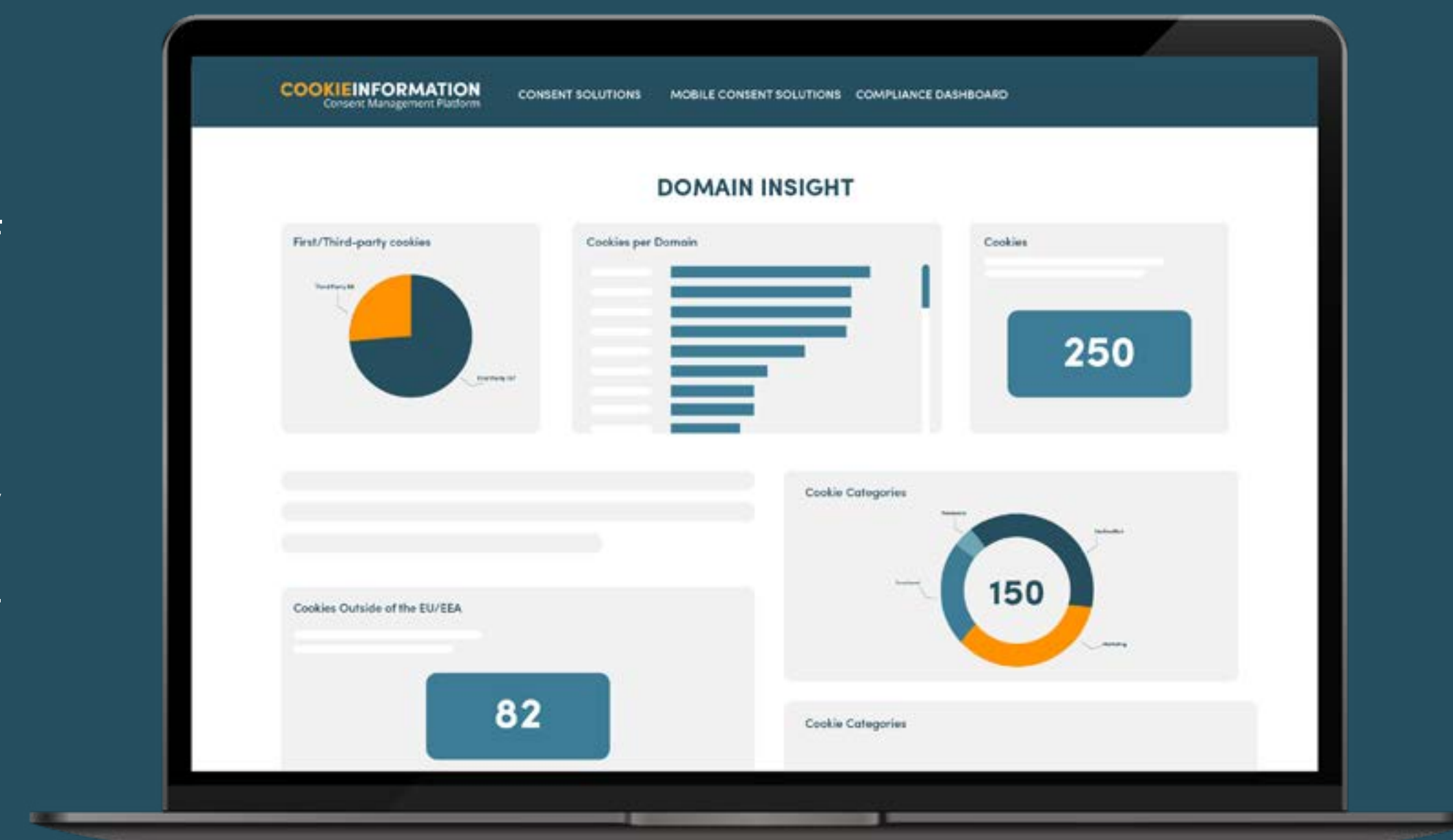
Why should you, as a business, care?

The thing to remember is that GDPR is a law. And there are consequences if you don't comply. There's a high price since GDPR fines can reach millions of euros. And if your users perceive you as untrustworthy, they are less likely to keep buying. Taking data security seriously can be a major competitive advantage!

9 Compliance tools

The most significant pain point for compliance seems to be setting cookies before consent. Most cookies placed before consent are Google Analytics, Hotjar, and Akamai. We sympathize with companies' need for analytics data and understand the need to be data-driven! But if you track your users, they must consent.

Thankfully there are services that can help. **Cookie Information offers a Consent Management Platform** that allows you to automate the process of collecting consents and ensure that you are cookie compliant – now and in the future. And **Google Consent Mode is of great help** in staying data-driven even when your users do not consent to cookies. We at Cookie Information have partnered with Google, and you can access the full features of Google Consent Mode with us.



Visit www.cookieinformation.com for more information