



Dr. Andrea Jelinek
Chairwoman
European Data Protection Board

By email

The Consumer Voice in Europe

BEUC-X-2021-122

Brussels, 21 December 2021

Re: Norwegian DPA decision against Grindr and consequences for ad-tech

Dear Dr. Jelinek,

On Wednesday 15 December, the Norwegian Data Protection Authority announced its decision to impose a €6.5m fine to the dating app Grindr for not complying with the GDPR rules on consent in relation to the processing of personal data for behavioural advertising purposes.¹

We welcome the Norwegian DPA decision and call on national DPAs across the EU to take further decisive enforcement actions against the ad-tech industry, as the infringements identified in this decision are unfortunately standard industry practices.

The Norwegian DPA found that users were forced to accept Grindr's privacy policy in its entirety to use the app, and they were not asked specifically if they wanted to consent to the sharing of their data with third parties for behavioural advertisement. Furthermore, the information about the sharing of personal data was not properly communicated to users. As a result, the consents Grindr collected were not valid. All of this further aggravated by the fact that the data shared could reveal very sensitive information about individuals' sexual orientation.

The issues and harms linked to the ad-tech industry are well documented² and numerous problems and GDPR breaches in relation to how it obtains consent from users have been long identified³.

While we eagerly await the outcome of the Belgian DPA's ongoing case against IAB Europe⁴, we underline the need to take a strong stance against the systemic GDPR breaches which are at the core of the surveillance ad-tech industry. This is a problem that needs to be addressed in a coordinated and coherent EU-wide manner.

¹ <https://www.datatilsynet.no/en/regulations-and-tools/regulations/avgjorelser-fra-datatilsynet/2021/gebyr-til-grindr/>

² See for example "Out of Control: How consumers are exploited by the online advertising industry", Norwegian Consumer Council, January 2021

³ E.g. see [Consumentenbond "CookieScan 2021: Still a lot of cookies without permission", March 2021 \(in Dutch\)](#) and [BEUC coordinated enforcement action against Google's Location tracking practices, November 2018](#)

⁴ <https://www.dataprotectionauthority.be/citizen/belgian-dpa-sends-its-draft-decision-in-the-iab-europe-case-to-european-counterparts>

There is no doubt that the EDPB has a key role to play in this regard. We very much welcome the clear statements of the EDPB published in November⁵ recommending that online targeted advertising should be regulated more strictly in the Digital Services Act and the call on the co-legislature to consider a phase-out leading to a prohibition of targeted advertising on the basis of pervasive tracking.

But in addition to stricter legislation, we also need more enforcement of the GDPR on a European scale and thus we call on all national DPAs to take appropriate action to guarantee that the ad-tech industry respects the GDPR, starting with ensuring that consumers' personal data is not processed without their informed, freely given, specific and unambiguous consent.

We would be obliged if you could bring this letter to the attention of the Board and look forward to future co-operation in 2022.

With best wishes for a peaceful Christmas period and a good start to the New Year.

Yours sincerely,

Ursula Pachi
Deputy Director General

⁵ https://edpb.europa.eu/system/files/2021-/edpb_statement_on_the_digital_services_package_and_data_strategy_en.pdf