



C/2024/2907

6.5.2024

**Judgment of the Court (Fourth Chamber) of 7 March 2024 (request for a preliminary ruling from the
hof van beroep te Brussel - Belgium) – IAB Europe v Gegevensbeschermingsautoriteit**

(Case C-604/22, ⁽¹⁾ IAB Europe)

(Reference for a preliminary ruling – Protection of natural persons with regard to the processing of personal data – Regulation (EU) 2016/679 – Standard-setting sectoral organisation proposing to its members rules on the processing of users’ consent – Article 4(1) – Concept of ‘personal data’ – String of letters and characters capturing, in a structured and machine-readable manner, the preferences of an internet user relating to the consent of that user to the processing of his or her personal data – Article 4(7) – Concept of ‘controller’ – Article 26(1) – Concept of ‘joint controllers’ – Organisation which does not itself have access to the personal data processed by its members – Responsibility of the organisation extending to the subsequent processing of data carried out by third parties)

(C/2024/2907)

Language of the case: Dutch

Referring court

Hof van beroep te Brussel

Parties to the main proceedings

Applicant: IAB Europe

Defendant: Gegevensbeschermingsautoriteit

Interveners: Jef Ausloos, Pierre Dewitte, Johnny Ryan, Fundacja Panoptykon, Stichting Bits of Freedom, Ligue des Droits Humains VZW

Operative part of the judgment

1. Article 4(1) of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation)

must be interpreted as meaning that a string composed of a combination of letters and characters, such as the TC String (Transparency and Consent String), containing the preferences of a user of the internet or of an application relating to that user’s consent to the processing of personal data concerning him or her by website or application providers as well as by brokers of such data and by advertising platforms constitutes personal data within the meaning of that provision in so far as, where those data may, by reasonable means, be associated with an identifier, such as, inter alia, the IP address of that user’s device, they allow the data subject to be identified. In such circumstances, the fact that, without an external contribution, a sectoral organisation holding that string can neither access the data that are processed by its members under the rules which that organisation has established nor combine that string with other factors does not preclude that string from constituting personal data within the meaning of that provision.

⁽¹⁾ OJ C 482, 19.12.2022.

2. Article 4(7) and Article 26(1) of Regulation 2016/679

must be interpreted as meaning that:

- first, a sectoral organisation, in so far as it proposes to its members a framework of rules that it has established relating to consent to the processing of personal data, which contains not only binding technical rules but also rules setting out in detail the arrangements for storing and disseminating personal data relating to such consent, must be classified as a 'joint controller' for the purpose of those provisions where, in the light of the particular circumstances of the individual case, it exerts influence over the personal data processing at issue, for its own purposes, and determines, as a result, jointly with its members, the purposes and means of such processing. The fact that such a sectoral organisation does not itself have direct access to the personal data processed by its members under those rules does not preclude it from holding the status of joint controller for the purpose of those provisions;
 - second, the joint controllership of that sectoral organisation does not extend automatically to the subsequent processing of personal data carried out by third parties, such as website or application providers, with regard to users' preferences for the purposes of targeted online advertising.
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