



European Privacy Seal
– privacy at its best

EuroPriSe Inspection Catalogue

Website Certification (Pilot), v0.2

Shortened Public Version

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Introduction

This document lists **EuroPriSe requirements, evaluation methods and best practice solutions** relating to website certification.

The document is divided into two parts. Part 1 addresses preliminary issues: the scope of EuroPriSe website certification, crucial definitions and the target of evaluation (ToE) of a website certification; whereas part 2 consists of the EuroPriSe Inspection Catalogue as such, listing requirements as well as examples of useful tools and best practice solutions.

Part 1: Preliminary Issues

A. Scope of the European Privacy Seal

The European Privacy Seal for websites certifies that all publicly available parts of a website are compliant with EU regulations on privacy and data protection, with the following exception: Restricted parts of the website as well as functionalities that qualify as an IT-based service on their own (e.g., a web shop or an online forum) are out of scope. The same holds true for issues that relate to the hosting of a webserver by a third party (e.g., existence of a controller-processor contract or implementation of appropriate technical and organisational measures – TOM). Rather, website certification focuses on the interaction between a visitor of a website and the website when the visitor browses the publicly available parts of the website and makes use of relevant functionalities offered by the website owner.

B. Definitions

Target of Evaluation (ToE)

Website certification covers certification of publicly available parts of a website as described above at A. and below at C.

C. Target of Evaluation (ToE)

The Target of Evaluation of a website certification covers all publicly available parts of a website (cf. above at A.). It includes an analysis of the website's imprint and privacy policy. It also includes an analysis of any cookie banner and/or cookie policy. Newsletters that can be subscribed on publicly available parts of a website also form part of a website certification. The same holds true for recommendation functionalities (tell a friend) that are offered on publicly available parts of a website.

Website certification deals with the processing of personal data about visitors of the website by the website owner. It does not cover data protection issues related to website content (e.g. published pictures, videos and personal data in textual format).

ToE Analysis

Relevant Questions:

- Is the ToE limited to publicly available parts of a website?
- What precisely is the Target of Evaluation? Which components / packages does it cover?
- What types of (personal) data about a visitor of the website are processed by the website operator?
- What data flows occur when an Internet user visits publicly available parts of a website, subscribes for a newsletter, completes a contact form, etc.?

Regulatory Analysis

Relevant Questions:

- What legal or technical regulations are applicable with regard to the ToE?
- In particular: Is Article 5(3) and/or Article 13 of Directive 2002/58/EC (as amended by Directive 2009/136/EC) applicable?

D. Evaluation Methods (To Be Deployed by the Experts)

Appropriate evaluation methods (including examples of useful tools) as well as potential best practice solutions are listed below in Part 2.

Part 2: Inspection Catalogue

A. Basic Package

Basic assessment of publicly available parts of a website

Evaluation methods and relevant checks

- Overall review of the website: Identify all functionalities that are in scope of website certification (cf. Part 1 and B. – M. below).

B. CDN (within EU/EEA)

Website makes use of a Content Delivery Network (CDN) that is located within EU/EEA

Evaluation methods and relevant checks

- Assessment of any CDNs that are involved when the website is accessed.

C. CDN (outside EU/EWR)

Website makes use of a Content Delivery Network (CDN) that is located in a third country (outside of EU/EEA)

Evaluation methods and relevant checks

- Assessment of any third country CDNs that are involved when the website is accessed.

D. Flash

Website makes use of Adobe Flash

Evaluation methods and relevant checks

- Assessment of any flash cookies that are set on the users' device.

E. Silverlight

Website makes use Microsoft Silverlight

Evaluation methods and relevant checks

- Assessment of any Silverlight cookies that are set on the users' device.

F. Analytics Tool

Website makes use of (a) web analytics tool(s)

Evaluation methods and relevant checks

- Assessment of any web analytics tools that are used by the website owner.

G. Social Plugins

Website makes use of Social Plugins

Evaluation methods and relevant checks

- Assessment of any social plugins that are used by the website owner.

H. OBA Service

Website makes use of Online Behavioural Advertising (OBA) service(s)

Evaluation methods and relevant checks

- Assessment of any OBA services that are used by the website owner.

I. Contact / Feedback Form

Website makes use of Contact or Feedback Form

Evaluation methods and relevant checks

- Assessment of any contact / feedback form that is used by the website owner.

J. Newsletter

Website offers possibility to subscribe for a newsletter

Evaluation methods and relevant checks

- Assessment of any processing of personal data on occasion of a subscription to any newsletter that is offered by the website owner

K. Tell a Friend

Website offers a “tell a friend” functionality

Evaluation methods and relevant checks

- Assessment of any recommendation functionality (“tell a friend”) that is provided by the website owner.

L. Children

Website is addressed to children

Evaluation methods and relevant checks

- It must be checked whether the wording of the privacy policy and of other relevant information allows children to understand its content.

M. Teenagers

Website is addressed to teenagers

Evaluation methods and relevant checks

- It must be checked whether the wording of the privacy policy and of other relevant information allows teenagers to understand its content.