

Privacy statement, bulky text or short and clear?

Introduction

Anyone who is processing personal data has an obligation according to the GDPR¹, as a data controller, to inform individuals accordingly.² These individuals, known as Data Subjects in the GDPR, can be your company's employees, but also your customers. Data Subjects have the right to know why their personal data is being processed and what will happen to their personal data. You can do this by compiling a privacy statement or privacy regulations. By doing so, you can comply with your legal obligation to provide information. As a company, you have to be transparent about what personal data you process, how you process the personal data and why you process it.

How do you prepare a privacy statement?

Creating a privacy statement is not mandatory, but is recommended by the Dutch Personal Data Authority ('hereafter: the 'AP'). You can opt to inform Data Subjects in a different way, for example by making use of icons. The important part is that the icons provide the Data Subject with a useful overview and are well-visible, understandable and readable.³ A privacy statement should be written in plain and easy-to-understand language. In addition, the information should be provided in an easy, accessible form.⁴

We recently created a privacy statement for a client, working both for and with a specific target audience, in the form of an accessible infographic. With this infographic we had a goal: to make the privacy statement as clear as possible for the targeted audience it was meant for, namely children and the low literate.

Our tip: Keep it short and to the point, avoid technical terms and put yourself in the reader's shoes!

Consequences

In case of non-compliance or incorrect implementation of article 12(1) GDPR, the AP can issue a sanction. The AP fined TikTok € 750,000, due to TikTok providing its privacy statement to its Dutch users (including children) exclusively in English.⁵ The Dutch users were not informed in an understandable language about the processing of their personal data. TikTok has filed an appeal against the fine.

The technology company Meta received a record fine from the European supervisory authority last month for breaching its obligations under the GDPR. Meta's privacy statement failed to adequately inform users about what personal data is being processed and for what purpose. Meta has indicated it is going to appeal the fine.

Thus, it is important to have a clear and understandable privacy statement that is well tailored to the targeted audience for which it is intended.

¹ European General Data Protection Regulation.

² Article 12 GDPR.

³ See section 7.2.5. Handbook GDPR and GDPR Implementation Act, Ministry of Justice, dated 15 April 2023.

⁴ Chapter 7 Handbook GDPR and GDPR Implementation Act, Ministry of Justice, dated 15 April 2023.

⁵ <https://www.autoriteitpersoonsgegevens.nl/actueel/boete-tiktok-vanwege-schenden-privacy-kinderen>.

Contact

Curious about the possibilities for your company? Feel free to reach out to us.

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