

October 30, 2020

This issue of our TMT Bites is dedicated to “Marketing and Data Governance” and their relevant legal implications, and also includes significant contributions from other jurisdictions. Enjoy and stay tuned for more updates!

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If you have any questions, ask our team or send an e-mail to [tmtbites.italy@dentons.com](mailto:tmtbites.italy@dentons.com)

## Focus on

### **EDPB Guidelines on the concepts of controller and processor**

With a view to harmonizing the EU interpretation of the most relevant privacy roles, on September 2, 2020, the European Data Protection Board (“EDPB”) adopted a new set of guidelines (“Guidelines”) on the definition of “controller” and “processor” under the GDPR. Although the Guidelines were subject to public consultation until October 19, 2020, only minor amendments are expected based on the comments received.

Read more

### **Targeting users: the EDPB provides its view on social media’s data use practices**

Everyday newspapers and television programs highlight how people's lives are more and more exposed to the web. The issue of monetization of personal data is drawing more and more public attention. The massive use of information technologies and the social media today allows big tech companies to collect considerable amounts of data, to be used for different purposes. Data collection initially was just a by-product of the use of online services; now, collected data represents the real product, to be sold to other clients (mainly, other companies).

[Read more](#)

## [The Spanish data protection authority updates its “Guide on the use of cookies” establishing new obligations to be fulfilled by companies before October 31](#)

On July 28, 2020, the Spanish data protection authority- La Agencia Española de Protección de Datos - published the latest update of the "Guide on the use of cookies" (from now on the Guide) replacing its previous version, which had been issued on November 12, 2019.

[Read more](#)

## [Turkey Introduced New Commercial Electronic Message Management System for Marketing Communications](#)

In Turkey, an amendment to the Regulation on Commercial Communication and Commercial Electronic Messages was made by the Turkish Ministry of Trade, and a central database named Commercial Electronic Message Management System was introduced.

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## [Other articles of this edition](#)

### [New advertising rules for video-sharing platforms](#)

Discussion of the obligations and restrictions regarding advertising for video-sharing platforms under the AVMS Directive in Netherlands.

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### [Personalising marketing and services - how far can you go under privacy law?](#)

One thing marketers and lawyers know well is that choice of words matters. In relation to optimising ad campaigns or building customer intimacy with customised service, marketers speak of “personalisation”, as an offer to consumers. Lawyers call it “profiling”, referring to the application of algorithms to analyse and predict individual preferences or behaviour. Privacy law puts clear limits around profiling, specifically or through the application of privacy principles. The business challenge is to “personalise” without contravening the law on profiling.

[Read more](#)

### [The ICO's new Direct Marketing Code](#)

Nick Graham, Partner, and Monika Sobiecki, Senior Associate in our London Privacy and Cybersecurity Group, have recently authored an article to Privacy & Data Protection journal, where they examine the changes introduced in the ICO's new draft Code of Practice on Direct Marketing.

[Read more](#)

### [A request for credit information isn't a marketing opportunity](#)

Changes to the Credit Reporting Privacy Code have been issued by the Privacy Commissioner John Edwards in New Zealand. Amendment No 14 to the Code provide enhanced consumer rights, keep the system fair for consumers and improve enforcement and compliance.

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