

# ePrivacy Regulation: Bulgarian Presidency Text April 2018

Date:

Company Name:

## Query 1: Machine to Machine

The Council text distinguishes between the "application layer" for M2M, e.g. everything the smart fridge does, and the "transmission layer" - its communication being sent over a telecoms network. The Council has suggested the former should not be included, while the latter would. The intention is for this to maintain the status quo, as the existing Directive would cover the transmission in any event.

Q1a - Are you content with the new Council text excluding the application layer?

Q1b - If there is no change to how M2M is included from the existing Directive, are there any other provisions in the draft ePrivacy Regulation that are still concerning for M2M?

## ePrivacy Regulation: Bulgarian Presidency Text April 2018

### Query 2: Article 6 Permitted processing of electronic communications data

Article 6 has been amended, with a number of new or expanded legal bases, including A6.2a, A6.2b, A6.2d, A6.2e, A6.2f, and A6.3aa (the latter being put in on UK's request).

Question: Do you feel that these bases strike a good balance between protecting e-comms data and being sufficiently comprehensive for various processing needs, including security features, spam filters, and accessibility features?

## ePrivacy Regulation: Bulgarian Presidency Text April 2018

### Query 3: Article 5 Confidentiality of electronic communications data

Question: Do you have any thoughts on Article 5's change of wording from banning interference with the data apart from when permitted under this Regulation, to now banning processing apart from when permitted under this Regulation?

## ePrivacy Regulation: Bulgarian Presidency Text April 2018

### **Query 4: Article 8 Protection of information stored in and related to end-users' terminal equipment**

Article 8 sub para d now refers to "audience measurement" purposes as a basis for placing a cookie, rather than "web audience measurement".

Question 8a- Is this term sufficient to encompass all non-intrusive measurement?

Question: 8b - Any concerns about the rest of this article, including the basis for security updates (8.e)?

## ePrivacy Regulation: Bulgarian Presidency Text April 2018

### Query 5: Article 15 Publicly available directories

The article now allows Member States to choose whether to make directory inclusion opt out or opt in.

Question: Do you support this? Any other comments on A15?

