



GUIDANCE ON THE NEW REGULATIONS GOVERNING THE USE OF COOKIES

Introduction

The Privacy and Electronic Communications Regulations 2003 (PECRs) implemented a European Directive on the protection of privacy in the electronic communications sector. In 2009 this Directive was amended to include a change which requires consent for storage or access to information on a subscriber or user's terminal equipment i.e. a requirement to obtain consent for cookies and similar technologies. Governments in Europe had until 25 May 2011 to implement these changes into their own law. The UK introduced the amendments on 25 May 2011 through The Privacy and Electronic Communications (EC Directive) (Amendment) Regulations 2011 and these will be enforced by the UK Information Commissioner (ICO) from 26 May 2012.

These regulations are essentially designed to protect the privacy of internet users, even where the information being collected about them is not directly personally identifiable. The changes to the Directive in 2009 were prompted in part by concerns about online tracking of individuals and the use of spyware.

These new regulations are not designed to restrict the use of particular technologies as such, but are intended to prevent information being stored on people's computers and being used to recognise them via the device they are using, without their knowledge and agreement.

1. Implications for the University

The University has a small number of systems currently using cookies in a number of ways and has already undertaken steps to meet the European Directive. In addition to these systems, certain areas of the University have established and maintain their own websites outwith those owned by Information Services central support team and others are using externally hosted websites. This guidance explains what must be done by all website owners and users to meet the new regulations. Relevant staff are also expected to have read the guidance produced by the ICO which was circulated some months ago:

http://www.ico.gov.uk/for_organisations/privacy_and_electronic_communications/the_guide/cookies.aspx

2. Recommendations for University websites

i) Insert a statement

Where cookies are to be used on services that only use cookies after the user has either a) created an account on your service or b) already has an account and logs on to your services after you have updated the text information on the logon pages, the following statement should be used on the logon page/s.

“Edinburgh Napier University would like to use cookies to store information on your computer as these are essential for parts of the site to operate. In order to use this website, your computer will be sent a cookie and by continuing to log into the admin area, you are agreeing to accept this cookie.

You may delete and block all cookies from this site. To find out more about the cookies we use and how to delete them, see our Privacy notice.”

ii) Update your Privacy notice

It is recommended that you add to or update your site(s) privacy notice(s) so that your users understand the use of cookies on your site.

The Edinburgh Napier revised privacy notice includes the following:

When you visit our Website our systems automatically collect information about your computer, including where available your IP address (a unique number assigned to your computer when you are using your browser on the internet), operating system and browser type to monitor customer traffic patterns and website usage.

This statistical data does not contain any personally identifiable information about you or any of our users. It is used to enhance the design and layout of the Website making it easier to navigate.

These statistics are very much like television ratings that tell the networks how many people tuned in to a particular programme. We only use this type of data in aggregate i.e. we look at the data collectively, in summary form, rather than on an individual basis.

Cookies

We use cookies to collect our statistics about your visit. Cookies are small text files that are placed on your computer and are widely used in order to make websites work, or work more efficiently, as well as to provide information to the owners of the site.

Please view the University’s Statement on the Use of Cookies for detailed information on the cookies we use and the purposes for which we use them.

3. External web sites

Where Edinburgh Napier University staff have decided to use external web sites either for academic or business purposes they are wholly responsible for establishing what the external policy of such sites is with regard to cookies setting.

Relevant staff are expected to check this with the external site provider and give their students, consumers or business partners the information they need in order to make an informed decision on their use of the service.

4. Recommendations for anonymous based cookies

(User does not logon to a site)

Where a user does not log on to a website, those sites which intend to use cookies on an anonymous basis i.e. where the user is not personally identifiable, it is recommended that users are asked if they would like cookies to be used. If the user does not accept the use of cookies the cookies must not be set.

There are two recommended options to achieve this:

Option 1: Header imbedded on web site

“Edinburgh Napier would like to use cookies to store information on your computer, to improve our website. One of the cookies we use is essential for parts of the site to operate and has already been set. You may delete and block all cookies from this site, but parts of the site will not work. To find out more about the cookies we use and how to delete them, see our [privacy notice](#).”

I accept cookies from this site >>”

This is the approach adopted by the [ICO](#).

The screenshot shows the Information Commissioner's Office (ICO) website. At the top, a cookie consent banner reads: "The ICO would like to use cookies to store information on your computer, to improve our website. One of the cookies we use is essential for parts of the site to operate and has already been set. You may delete and block all cookies from this site, but parts of the site will not work. To find out more about the cookies we use and how to delete them, see our [privacy notice](#)." Below this is a checkbox labeled "I accept cookies from this site." and a "Continue" button.

The main website header includes the ICO logo, navigation links for "Français", "Español", and "Cymraeg", and links for "Accessibility", "Help", "FAQs", and "Contact us". There is also a "Quick links" section with a dropdown menu and a "Search" box.

The "Cookies" page content is displayed below the header. It includes a navigation menu on the left with options like "Home", "For the public", and "For organisations". The main content area explains the law regarding cookies and personal data, mentioning the "guidance on the new cookies Regulations" and "previous advice". A sidebar on the right titled "In this section" contains links for "Key definitions" and "Automated calls".



Option 2: Popup option

Cookies

Also known as browser cookies or tracking cookies, cookies are small, often encrypted text files, located in browser directories. They are used by us to help our users navigate this website efficiently and perform certain functions. Due to their core role of enhancing or enabling usability or site processes, disabling cookies may prevent users from using certain parts of this website.

For more information about cookies, visit <http://www.allaboutcookies.org>.

Please make your selections below to tell us which cookies we are allowed to place on your computer.

Title	Description	Consent	Permanent?
Google Analytics	these are cookies for google analytics More info	<input type="radio"/> Yes <input type="radio"/> No	<input type="checkbox"/>
Facebook Cookies	Facebook cookies and stuff like that This is more information	<input type="radio"/> Yes <input type="radio"/> No	<input type="checkbox"/>
Twitter Cookies	Twitter cookies and stuff This is more information	<input type="radio"/> Yes <input type="radio"/> No	<input type="checkbox"/>

[Save](#)

Your site may contain other methods of using cookies. You must therefore give all your users the necessary information to compliance with the new regulations.