

CORVIDAE

A Quick Guide to Compliant Marketing Analytics

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Google Analytics has recently been ruled as illegal from a GDPR perspective. But, as one of the leading tools for web analytics, what does this mean for digital marketing?

Our quick guide aims to provide you with a high-level understanding of what's happening in the marketing analytics space when it comes to GDPR and compliance, and help you understand the steps to take to ensure you're using fully compliant analytics.

But before we dive into that, let's take a look at a few key terms...

Marketing Compliance: A Glossary of Terms You Should Know



CCPA

The CCPA is the data and analytics regulation in the US. Website operators are required to add a 'do not sell my data' button on their website. Unlike GDPR, it is an opt-out rather than opt-in option.



Data subject

A data subject is any individual who can be identified, directly or indirectly, through an identifier. This can include a name, an ID number, location data, or other factors which are specific to the person's identity such as their physical, economic, cultural or social identity, for example.



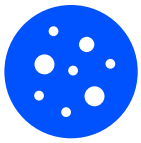
Data processing

Data processing refers to the process of collecting data and then translating it into usable information.



EEA

The European Economic Area (EEA) was established by the Agreement on the European Economic Area - an international agreement which allows the extension of the EU's single market to member states of the European Free Trade Association.



ePrivacy (or cookie directive)

Requires consent before dropping a cookie on a user's machine.



EU-US Privacy shield

The EU–US Privacy Shield was a framework for regulating transatlantic exchanges of personal data for commercial purposes between the European Union and the United States.



GDPR

The General Data Protection Regulation (GDPR) is a legal framework that sets new guidelines for the collection and processing of personal information of individuals within the EU.



IP address

An IP address is a unique address that identifies a device on the internet or a local network.



PII

Personally identifiable information (PII) is any data that could potentially identify a specific individual. Any information that can be used to distinguish one person from another and can be used to remove the anonymity from data is considered PII.

Schrems ii



Schrems ii refers to the ruling which happened on July 16 2020, when the Court of Justice of the EU issued a verdict that ruled that the EU-US Data Protection Shield, on which many companies relied on to transfer their data between the US and the EU, was invalidated due to concerns around surveillance by US state and law enforcement agencies.



User ID

A user ID is the unique identifier assigned to a user when they are browsing the internet.

Top Questions Around the Compliance Issue

This news can seem daunting for marketers, so we've rounded up the key pieces of information you, and your teams, need to know to ensure you've got your best foot forward when it comes to compliance.

Q: What is happening with Google Analytics?

A: The Schrems II ruling in 2020 was a milestone in EU policy regarding consumer data rights. The EU took the position that Businesses cannot offload responsibility for data compliance onto their technology provider, and instead retain GDPR liability should EU data go outside the EU.

In February, both Austria and France have ruled that Google Analytics is illegal from a GDPR view, as it cannot prevent data passing to the US, and the US security services have provably accessed Google data. It is expected that all EU member states will fall in line with this position over the coming months.



Q: Does this mean we should stop using Google Analytics?

A: While the ruling doesn't mean that using Google Analytics is illegal, it is strongly recommended that marketers and businesses re-evaluate their current use of GA.

With Universal Analytics being replaced by GA4 for all users next year, it's a perfect time to re-evaluate your current analytics set up and move away from cookie-based methods.



Q: What if we're not a company based in the EU?

A: As it stands, liability exists for any Google Analytics or Adobe users who collect data from anywhere in the EU. For example, if your company is based in the US but you receive traffic from Germany, you are still liable for breach of data compliance.

Q: How will we know if our analytics are compliant?

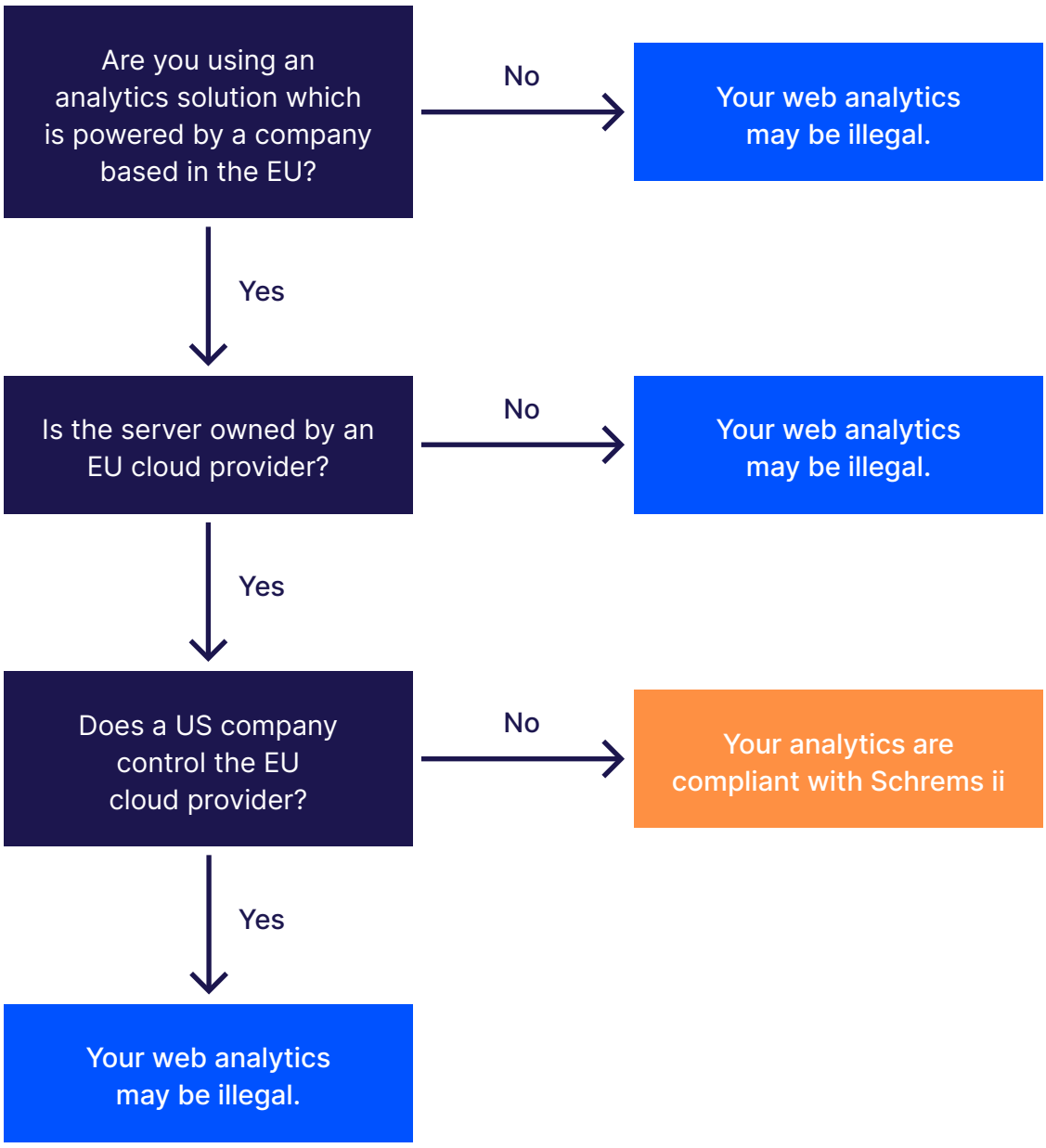
A: In short, if either of the following are the case for you, then it is likely that you are in breach of Schrems ii and should consult your legal team:

- Your website analytics provider is a US company
- Your website analytics provider uses web servers owned by a US cloud provider

However, the next section of our eBook covers some more steps to take you ensure you have fully compliant analytics.

7 Steps to Take to Ensure Your Analytics Are Compliant

First, how can you assess if your analytics are currently compliant? We've put together a handy flow chart so you can easily see if you're in breach of Schrems ii:



Secondly, if you are continuing to rely on Google Analytics, there are a few steps you should take now to ensure you are tracking users compliantly within GA.

- [ ] 1 Ensure that tracking will happen only after the data subject has:
  - → been informed that their data will be transferred to the importer in the US, where it may be subject to local lawful access and that they can at any time withdraw their consent
  - → consented to such usage and transfer and not withdrawn it. It should inform that tracking IDs, where applicable IP addresses and device information is shared with Google in the US.
- [ ] 2 Ensure that the contract for using Google Analytics (including the Data Processing Agreement) is concluded with Google Ireland Limited, and not Google LLC.
- [ ] 3 Ensure that IP Anonymisation is activated and implemented properly.
- [ ] 4 Ensure data sharing is kept off within Google Analytics.
- [ ] 5 Ensure 'Signals' option is not activated within Google Analytics.
- [ ] 6 If you are using proprietary User IDs, make sure they don't permit user identification.
- [ ] 7 Review the TIA covering the data transfer between Google Ireland Limited and Google LLC and decide, as the controller, whether you agree with Google Ireland Limited that there is no reason to believe that any personal data collected from your users by using Google Analytics will be subject to lawful access by US intelligence authorities.

However, what we *really* recommend is that you find an alternative solution which is 100% compliant to protect your business from any legality issues later down the line.

GDPR Compliant Analytics: Google Analytics vs Corvidae

Corvidae, QueryClick's in-house attribution tool, uses patented AI technology to completely remove the need for any cookies. This allows it to compliantly collect and measure performance with over 95% accuracy - compared to only 20% accuracy when using cookie-based systems.

How does Corvidae compare to Google Analytics and GA360? We've compared the tools in an easy-to-digest table for you below:

	Corvidae	Google Analytics	GA360
Cost	Starts at £1,999 per month	Free (up to 10 million hits per month)	Starts at $150,000
Uses cookies for tracking	✗	✓	✓
Advanced data anonymisation	✓	✗	✗
Zero-identity tracking	✓	✗	✗
Ability to link personal and anonymous data	✗	✗	✗
100% data control	✓	✗	✓
Sampled data	✗	✓	✗
Data shared with third parties	✗	Data is shared with DoubleClick, Google Ads clients and other Google products	Data is shared with DoubleClick, Google Ads clients and other Google products
GDPR compliance by default	✓	✗	✗
Data backups and redundancy	✓	✓	✓
Suitable for industries handling sensitive data i.e. banking, governments, telecoms and healthcare	✓	✗	✗
Number of user accounts	no limits	100	no limits

Compliant AI-Driven Analytics with Corvidae



The main takeaway everyone should take from this news is that until you cut ties with Google Analytics, your web analytics are at risk of being illegal.

So, use this as an opportunity to reassess your current analytics set-up and look for alternatives.

Alongside that, the rise of GA4 is only further highlighting the detrimental effects of relying on cookies, as they announced that retargeting will no longer be possible using GA4 audiences. So, as well as being illegal from a GDPR standpoint, the future of marketing optimisation also hangs in the balance.

Corvidae uses a unique blend of AI and ML to completely remove the need for cookies. For us, investing in AI is the only way marketers can accurately measure performance and ensure they remain compliant with GDPR.

With Corvidae, it's easy to get up and running – just deploy and go with our first-party pixel deployment.

For a no-obligation demo of our cookie-free attribution tool, request a call below.

Talk to us now