



## **CNIL Rules - EU-US data transfer through the use of Google Analytics is illegal and non - compliant with the GDPR**

Following the previous decisions made by the Austrian Data Protection Authority and the European Data Protection Supervisor [see our previous update [here](#)], the French data protection authority ("CNIL"), [announced](#) on 10 February 2022, that it found the use of Google Analytics, which includes transfer of EU data subjects' personal data to the US, illegal.

This decision was made following the multiple complaints filled the None of Your Business organization ("NOYB") against EU website operators that continue to send website visitor data to Google LLC and Meta Platforms, Inc., allegedly in continued violation of the GDPR despite the Schrems II judgment.

CNIL, in cooperation with the European counterparts' authorities, analyzed and investigated the conditions under which data collected through the use of Google Analytics was transferred from the EU to the U.S., with a focus on the risks to data subjects related to such transfers, and subject to the principal made determined under the Schrems II judgment.

CNIL outlined that although Google had adopted additional measures to regulate data transfers in the context of the Google Analytics functionality, these measures were not sufficient to prevent access to the data by US authorities. CNIL found that the data transferred by Google Analytics in NOBY's complaints cases violated Articles 44 of the GDPR.



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CNIL ordered the website operator which was the subject of the NOYB's complaint to change its processing standard into compliance with the GDPR, if necessary, by ceasing to use the Google Analytics functionality (under the current conditions) or by using a tool that does not involve a transfer outside the EU.

In general – regarding tracking tools used for measurement and statistics - CNIL recommends that these tools should **only be used to produce anonymous statistical data**, thus allowing for an exemption from consent if the data controller ensures that there are no illegal transfers.

**Please feel free to contact us if you have any questions regarding the new decisions, their potential effects on your efforts of compliance, and suggested action items.**

**APM Privacy and Cyber Team**