

Is it illegal to use Google Analytics in Germany?

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The use of [Google Analytics](#) is currently subject to a heated debate in Germany, dealing with web analytics and data protection. On Friday, November 27th the 'Düsseldorfer Kreis', a panel of the German supreme supervisory authorities for data protection, said that the collection of IP addresses violates current law. In particular, the creation of user profiles is caught in the line of fire. What will this mean for digital marketing?

For the storage of personal data there are strict requirements in Germany. They may be collected only with the consent of the user. For Internet Service Providers it's possible to identify a user on the basis of the IP address. Advertisers who use web analytics software possibly store IP addresses; however, as long as the user is not logged in to a web service, it is not possible to retrieve any information about the person behind the IP address.

Special attention is currently devoted to Google Analytics. The German data protection commissioners worry that Google uses web analytics data to create user profiles. In the [terms of service \(TOS\)](#)(1) Google assured they won't link the IP address to other Google data, but they also retain the right to change the TOS at any time. Millions of websites are affected. According to a [recent article of Zeit online](#)(2) more than 13 percent of all German websites use Google Analytics.

The controversial question still is: Are IP addresses personal data? Now the German courts have to decide. The legal situation is still unclear.

For digital marketing agencies like iCrossing, web analytics are very important. We use tools like Google Analytics to measure visits, page views, bounce rates and other performance indicators. The behaviour of an individual user is not relevant for us, so we have no interest in storing the user's personal data.

I personally consider IP addresses no personal data. An IP address can change at any time, it can be shared and you never really know who the person behind the screen is.

Nevertheless: If the German courts decide that IP addresses are personal data this would be a slap in the face for the whole online industry.

(1) <http://www.google.com/intl/de/analytics/tos.html>

(2) <http://www.zeit.de/digital/datenschutz/2009-11/google-analytics-datenschutz>