PRIVACY VIOLATIONS IN RETAIL

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Who doesn't think that privacy is important? As retailers, we must all **stand for privacy protection**. Especially because we are often entangled in confusing and sometimes misleading consent and cookie propositions, affecting customers, leaders and the technical teams in between.

Making privacy an after-thought for so long, consciously or not, has now brought on **a new challenge for retailers**. There is now a need to wire complex consent structures with internal data processes, which most find difficult to upkeep.

Empathy.co recommends approaching privacy as a human right. By consequently designing your products and features to respect a customer's online privacy while following offline standards, you take a clear standpoint that prioritises privacy. At Empathy.co, we deliver superior Search & Discovery functionality and performance without tracking or spying on shoppers.

Privacy by design entails dealing with customer data before it becomes a problem.

Nevertheless, most digital products we see and experience still insist on fitting the square into the triangular space. Not changing how our digital products track or spy on our consumers brings a significant surge in needing to wire complex consent methods—resulting in a dangerous stream of privacy violations.

Subsequently, retailers place a tremendous burden on their technical teams, who find themselves forced to develop complex solutions. Ones that ultimately lead to typical privacy violations.

THE VIOLATIONS EXPLORED HERE ARE CURRENTLY ONLY APPLICABLE TO THE EU & UK.

VIOLATION 1

UNDECLARED COOKIES

Your Cookie Policy must provide an updated list of every cookie living in your store. It doesn't take a deep dive into the web to find that **thousands of online shops fail to meet this requirement**. Cookie Policy pages are not in sync with new cookie integrations, preventing customers from being informed as to how and why they are monitored.

Additionally, suppose you or your vendor document your cookies under a browser reference of 'nasty cookies'.

That being the case, consider if these are worthwhile to keep (regardless of being advised or tempted to replace the conflicting domain). A growing number of browsers will be unable to open the page without this notification:

UBLOCK ORIGIN HAS PREVENTED THE FOLLOWING PAGE FROM LOADING:

http://docs.badcookie.com/docs/cookies-storage

BECAUSE OF THE FOLLOWING FILTER:

||badcookie.com^

FOUND IN:

Peter Lowe's Ad and tracking server list

VIOLATION 2

CLASSIFYING COOKIES INACCURATELY

In our experience, the second most common violation is the inaccurate classification of cookies. Think of this as **labelling non-essential or functional cookies as essential**.

The best advice on finding a precise classification is to check how your vendor or service provider classifies these types of cookies. It's critical to recognise that statistics, advertisements, and the like are not 'strictly necessary'.

Another way to approach the **essential versus functional** debate is to ask:

Can I offer the customer the possibility to purchase from my shop as a guest customer?

If the answer is yes, ask yourself:

What is 'essential' to respect my customer's wishes?

If you and those close to you as individuals expect to have this freedom (private Check Out), shouldn't your customers have it as well?
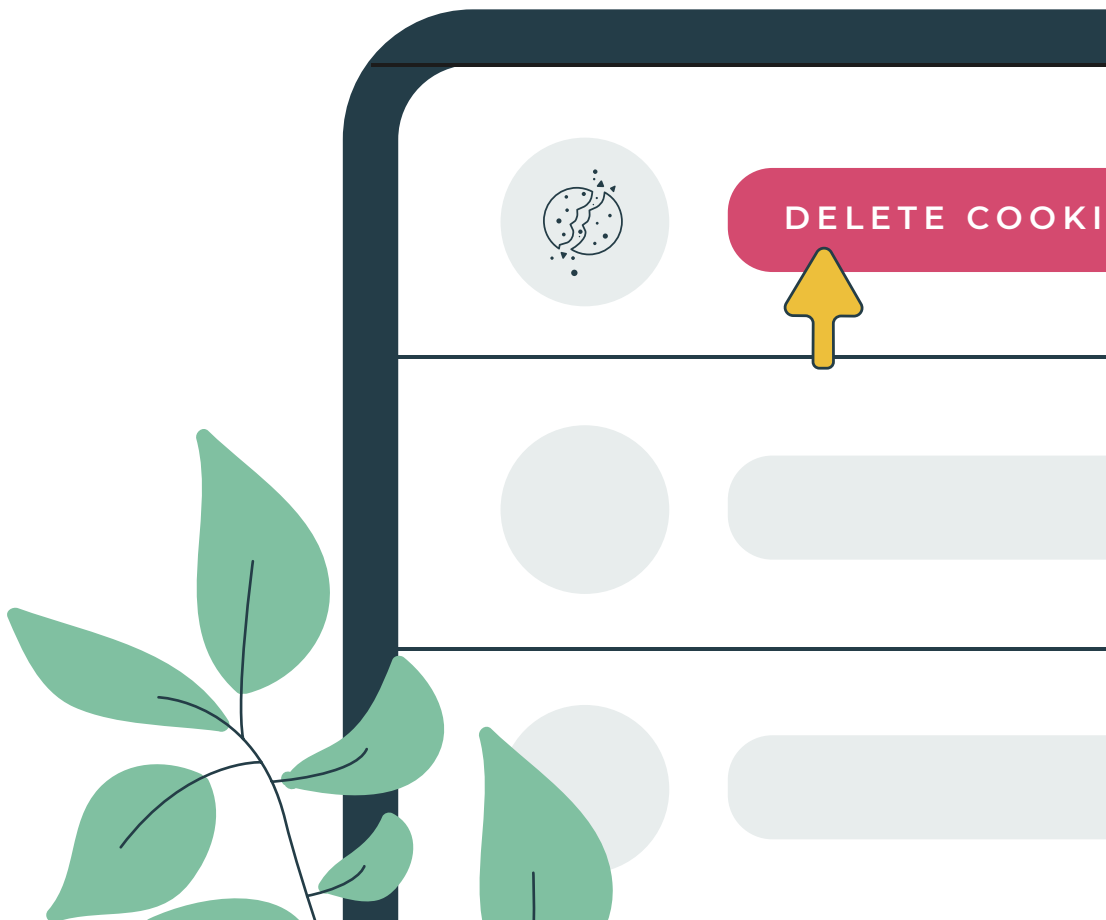
VIOLATION 3

SETTING THIRD-PARTY COOKIES AS FIRST-PARTY COOKIES

As their name implies, third-party cookies are set by third parties. **These cookies track the shopper across your store and others**. Suppose your shop uses a SaaS service that places cookies from external domains. In that case, you need to be sure that this service serves your customers within your domain only. It's common to see vendors replace their domains (third-party) with your shop's to deceive browsers of a potential third-party perceived cookie.

When your customers exercise their data rights (delete, inform, port), your store will have to resolve this by invoking third parties. At this point, it is critical that you ensure that all the associated cookies remain exclusively at your domain's service.

You can determine whether your vendor is a mere PII processor from your customers or a co-controller through this violation.

DELETE COOKI

DE-IDENTIFICATION LABELLED AS ANONYMISATION

Data protection principles should apply to any information regarding an identified or identifiable human. De-identification, or pseudonymisation, occurs when your cookies and linked server-side data pipes create PII mappings that can be translated to their original form. Simply put, these mappings are not anonymised. Truly anonymous information does not relate to an identifiable person or personal data, making the subject unidentifiable.

Note that pseudonymised data is a form of Personal Data (Recital 26 GDPR), and so it is subject to customer data rights.

IT'S TIME TO TAKE ACTION

Are executives and board members aware of how they are managing customer privacy? A lack of awareness is evident by only looking at the inconsistencies in Cookie Policies and consent flow implementation online.

At Empathy.co, we hope and believe that by speaking openly about these common privacy violations, we can **help leaders dispel these misconceptions**.

Have questions or comments you want to share with us? Reach out and share your thoughts! We would love to hear from you.

ABOUT EMPATHY.CO

Empathy.co is the leading innovator in commerce Search and Discovery. With over 150 Developers and Search Engineers, it has headquarters in London (UK) and Asturias (ES).

Committed to building human-centred commerce Search and Discovery platforms, Empathy.co gives big brands all they need to create trustworthy, understanding and joyful shopping experiences.

Empathy.co believes that great technology can inspire brands to respect the individual, serve the community and thrive through these relationships.

Trusted by global industry leaders like Carrefour, Kroger and Inditex, Empathy.co is privately held with no external investors and is cash-flow positive. With this, Empathy.co is free to innovate and relentlessly pursue customer success.

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