



Web Analytics

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**QUICK TAKE**

# Austria DSB deem Google Analytics illegal.

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# What Happened?

The **Austrian Data Protection Authority** ("*Datenschutzbehörde*" or "*DSB*") has ruled that Google Analytics breaks privacy laws.

The ruling relates specifically to what happens to data **after it is collected**, namely where it is stored.

The DSB has concerns that data which is transferred and stored in the United States is potentially exposed to sleuthing from authorities and Google themselves. [\(Link\)](#)



# The Implications

The ruling effectively determines data collection from Austrian authorities by Google Analytics is illegal. This decision could (and probably will) have consequences beyond Austria and outside of Google.

Other vendors such as Facebook, who process and store user data overseas would, by virtue of the DSB ruling, would now likely also be breaking Austrian law.

Austria is in the EU. The EU implemented GDPR (General Data Protection Regulation) in 2016. GDPR would likely fall into line with the Austrian ruling, meaning the consequences could be far more widespread.



# What Should We Do?

In short, there is no iron clad or definitive guidance on this given the proximity to the ruling at the time of writing.

Simply put, as Google Analytics has been deemed non-compliant, it is now *illegal* to deploy in Austria.

Many other European markets are likely to follow suit, there are a few steps we would recommend taking initially whilst we understand the full impact of the decision...



# What Should We Do?

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**Google Analytics 360 (Premium)** customers can delegate data storage locations at a property level. This means that you could feasibly store data locally to where it is collected, which *may* circumnavigate contentious points surrounding the ruling.

You can also take the steps outlined overleaf that apply for Google Analytics (Standard) customers.



# What Should We Do?

**Google Analytics (Standard)** customers cannot currently delegate where data is stored and processed. We suggest:

- 1) Ensuring your GA setup is in line with guidance around GDPR. In short, we advise using Google Analytics *anonymizeIP* function which scrubs user data at the end of each visit so they cannot be tracked beyond that with any degree of accuracy. You can set up anonymized IP to be dynamically controlled by the user's privacy and cookie preferences.
- 2) You may choose instead to only deploy Google Analytics to users who explicitly opt into analytics/statistics cookies via your site or app's privacy settings...



# What Should We Do?

## Google Analytics (Standard), continued.

3) You may choose to suppress Google Analytics cookies entirely for users in Austria.

There is no silver standard guidance at this stage, but the above should be practices your site is deploying in line with GDPR right now. The decision you make may need to be made whilst consulting with Data, Privacy and/or legal professionals.

*You should also review the above for each and every third-party vendor tag, pixel, or cookie you deploy on-site.*





# What about the long term?

As mentioned, this remains unclear. There are some feasible options from your side and Google's side that are longer-term solutions:

- 1) Google starts storing and processing Google Analytics data locally/in-market or region, in a manner that is compliant with any privacy legislation
- 2) If Google cannot find a way to become compliant, the only solution would be to remove Google Analytics in the markets and regions. In this event, replacing it with another web analytics vendor might be required.
- 3) Investigating Server Side tag management solutions and any other methods of open source or local data storage should be expedited



# What about the long term?

Specific to Web Analytics, you might consider other tech vendors:

- Adobe Analytics - an enterprise-level solution which will require a high technical investment owing to significant implementation time. The catch? Adobe carries a license fee in the 10's and 100s of thousands of dollars per instance.

Adobe can store data locally, for instance in London, which would help with compliance.

- Privacy-conscious and “ethical” web analytics solutions such as [Matomo](#) offer data ownership, including on-premise data storage.



# In Summary

The Austrian DSB ruling presently deems the usage of Google Analytics illegal. This is a fast-moving situation which could have implications for tech vendors, other markets, and regions.

You will need to proactively ensure all data collection by Google Analytics and other third-party vendors on site are in accordance with GDPR. There is and has been a responsibility for website and app owners to suppress tracking in line with a compliant privacy & cookie policy. You should be at the very least deploying tags, pixels, and other tracking technology against this...



# In Summary

...Google may alter the way their product collects and processes Google Analytics data, but we will have to bide our time to see if a) this is going to be the case and b) whether it is deemed compliant.

This ruling is the first big shove of big tech firms regarding data capture, storage, and processing inline with GDPR.

This is a fast-moving topic, as such, we advise keeping across this for the foreseeable future...



# Need Assistance?

The Molzana team can help with understanding the implications of the DSB decision. You can contact us directly at: [info@molzana.com](mailto:info@molzana.com).



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