

Current Legal Risks of Online Tracking: The Case for Cookie Notices (and updating privacy policies)



One Hour Legal Briefing
December 29, 2025

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Agenda

- Glossary of Relevant Terms
- Select Relevant Laws
 - EU Cookie Law
 - US Federal
 - US State
- Select Litigation/Decisions
- Compliance Best Practices



Cookie Glossary

Duration

- Session cookies – Temporary and expire once a browser is closed or once a session ends.
- Persistent cookies — Remain until erased by user or browser (depending on cookie's expiration date.
 - All persistent cookies have an expiration date written into their code, but their duration can vary.
EU: last longer than 12 months.

Entity

- First-party cookies — Placed directly by the visited website.
- Third-party cookies — Placed by a third party like an advertiser or an analytic system.
 - Typically unknown by the site visitor



Cookie Glossary

Uses

Strictly necessary — Essential for users to browse a website and use its features such as accessing secure areas of the site.

- Generally first-party
 - Can hold items in cart
- Consent not generally required

Preferences— aka “functionality cookies,” allows a website to remember user choices

- Language preference
- Location
- Username, password

Statistics/analytics— aka “performance cookies,” collect information about users use a website.

- Pages visited and clicked on
- Anonymized (generally)
- Sometimes third parties

Marketing cookies— Track user activity to help advertisers target relevant advertising or limit frequency of seen ads

- Can be shared with third parties
- Typically requires consent
- Typically third party



EU Cookie Law (ePrivacy Directive)

Different approach than US – actual legislation (ePrivacy Directive)

- **Obtain consent** before placing most cookies (except strictly necessary ones) on a user's device. First visit only.
- **Disclosure Must be Clear** Disclose: what cookies are used, specific purposes, third parties that might access their data (with specificity).
- **User Affirmative Action** Clicking "Accept" button. Not pre-checked or continued browsing.
- **User Control.** Ability to consent/reject to different categories of cookies, not just an "all or nothing" choice.
- **Ability to Revoke Consent.** Must be as easy as granting consent.
- **Equal Choice:** Accept/reject choices must be present in equal prominence.
- **Link to Cookie Policy.** Must provide a link to the full cookie policy with options.



US Federal Wiretap Act - 18 U.S.C. §§ 2510-22

Enacted in 1968 - Title III of the Omnibus Crime Control and Safe Streets Act

- Purpose:
 - Prohibits intercepting communications without consent or legal authority.
 - Aimed to align with Fourth Amendment protections against unreasonable searches, though with some stricter requirements.
- Scope: Covered "wire" (telephone) and "oral" communications.
- Law Enforcement Use:
 - Provided a framework for authorized surveillance in serious crimes like organized crime, with strict reporting and judicial supervision.
 - Established a judicial process for obtaining court orders (warrants) for wiretaps, requiring probable cause and demonstrating necessity.

Electronic Communications Privacy Act of 1986

Title I – Amends Wiretap Act

- Added electronic communications, which are non-wire and non-oral communications (i.e., signals, images, data)
- Prohibits the **unauthorized interception, use, and disclosure** of wire, oral, or electronic communications *by anyone, not just govt.*
- Exceptions for service providers and **one-party consent** (e.g., law enforcement)
- Provides individuals with a right to seek civil remedies for violations
 - Greater of actual damages or up to \$500 for first time offense; up to \$1,000 for subsequent violations



Electronic Communications Privacy Act of 1986

- Title II – Stored Communications Act [18 U.S.C. §§ 2701-12](#)
 - Protects the privacy of the contents of files stored by service providers and of records held about the subscriber by service providers, such as subscriber name, billing records, or IP addresses.
- Title III - Pen register/trap and trace [18 U.S.C. §§ 3121--3112](#)
 - Requires government entities to obtain a court order authorizing installation and use of a:
 - **Pen register** - a device that captures the dialed numbers and information related to outgoing calls or communications by the subject
 - **Trap and trace** -a device that captures the numbers and information related to incoming calls and communications to the subject
 - Does not address the content of the communications, just information regarding the communication itself, akin to “meta data”



US State Wiretapping Laws

Varies by state

- Generally similar to, but some are more restrictive than, federal law
- Most only require “one-party” consent
 - Similar to federal law... only one participant to a communication must consent to a recording (traditionally, law enforcement).
- All-party consent states: CA, CT, DE, FL, IL, MD, MA, MI, MT, OR, NV, NH, PA, WA
 - Requires notice to and consent of all parties to the communication.
 - Often stricter than federal law.



New York Penal Code § 250.00

“**Wiretapping**” means the intentional overhearing or recording of a **telephonic or telegraphic communication** by a person other than a sender or receiver thereof, **without the consent of either the sender or receiver**, by means of any instrument, device or equipment. The normal operation of a telephone or telegraph corporation and the normal use of the services and facilities furnished by such corporation pursuant to its tariffs or necessary to protect the rights or property of said corporation shall not be deemed “wiretapping.”

“**Intercepting or accessing of an electronic communication**” and “intentionally intercepted or accessed” mean the intentional acquiring, receiving, collecting, overhearing, or recording of an **electronic communication, without the consent of the sender or intended receiver thereof**, by means of any instrument, device or equipment, except when used by a telephone company in the ordinary course of its business or when necessary to protect the rights or property of such company.

California Invasion of Privacy Act (CIPA)

- Enacted 1967
- Prohibits illegal eavesdropping and wiretapping of private confidential conversations.
- Intended to address telephonic communications via telephone, not Internet (1967.. duh)
 - CA courts have held that § 631(a) applies to internet communications.
- Violations:
 - \$2,500 per violation/regulatory.
 - Private right of action allowing for \$5,000 in statutory damages.
- Specifically prohibits:
 - Making an unauthorized connection (including electronically) with a telegraph or telephone wire (wiretapping);
 - Reading or attempting to read or learn the contents of a message or communication while that message is “**in transit**” or simultaneously without the consent of all parties; or
 - Using any information obtained through eavesdropping/wiretapping.
 - Using a **pen register or trap and trace device** without consent.
 - Aiding and abetting any of the above



California Invasion of Privacy Act

Pen register/trap and trace - analogous to ECPA Title III

- CIPA Section 638.51 prohibits the installation or use of a **pen register or a trap and trace device without a court order or consent of the user of the wire or electronic communication service.**
 - “**Pen register**” - device or process that records or decodes **dialing, routing, addressing, or signaling information transmitted** by an instrument or facility from which a wire or electronic communication is transmitted, but not the contents of a communication.
 - Limited exceptions for billing related services.
 - “**Trap and trace device**” - device or process that **captures the incoming electronic or other impulses that identify the originating number** or other dialing, routing, addressing, or signaling information reasonably likely to identify the source of a wire or electronic communication, but not the contents of a communication.
- Plaintiffs claim site operators are using these devices to track users’ activity on the site by capturing incoming electronic or other impulses that identify the originating IP address reasonably likely to identify the source of a wire or electronic communication.



Issues Presented

- Applying decades old wiretapping laws to current Internet browsing
- Users know what site they are visiting and thus “consent” to the use of “first party” cookies and other trackers
- But knowledge of or allowing use of “third-party” cookies/trackers without notice/consent presents an issue
 - Meta
 - Google Analytics
- Honoring User Preferences



Trackers Subject to CIPA Claims

- Software developer kits (SDK)
- Third-party tracking pixels and software
- “Fingerprinting” software
- Cookies and identity profiles
- Application programming interfaces (API)
- Website analytics
- Conversation intelligence software-as-a-service (SaaS)



Early Court Decisions on Online Tracking

- Most federal Wiretap claims dismissed
 - First party defense
- Early CIPA claims survived MSJ (2022-2024)
 - Javier v. Assurance IQ: (9th Cir. 2022) revives claims over session replay tracking. Session replay may violate CIPA; all-party consent required.
 - Mikulsky v. Bloomingdale's: (9th Cir. 2024) expands potential liability for session replay by retailers
 - Greenley v Kochava (684 F. Supp. 3d 1024 (S.D. Cal. 2023))
 - District court **denied** defendant's MTD CIPA **pen register claim**, since a privacy company's embedded software could constitute a "pen register."
 - "when software identifies consumers, gathers data, and correlates that data through unique 'fingerprinting,' it constitutes a "process" through which a pen register can be deployed."
 - Ultimately dismissed on October 27, 2024 on joint stipulation



Recent CIPA Trends – Rejecting CIPA Claims

Torres v. Prudential Financial, Inc. (N.D. Cal., Apr. 17, 2025)

- Defendant MSJ granted.
- CIPA § 631(a) did not apply because the alleged access—collection and replay of session records by a third party on a website—did not involve interception of communications “**while in transit,**” as required under the statute.
- Rejects expansive theories that CIPA’s wiretap provisions reach website interactions such as tracking or session replay.

Gutierrez v. Converse Inc. (9th Cir., July 9, 2025)

- Defendant MSJ granted.
- CIPA § 631(a) did not apply - Evidence of a third-party vendor reading customer chat messages did not show access during **transmission**—instead only after delivery was shown.



Recent CIPA Trends – Rejecting CIPA Claims

Thomas v Papa John's (9th Cir. June 2025)

- 9th Cir. affirms district court dismissal of CIPA claims.
- Plaintiffs alleged Papa John's used third party software to intercept user online navigation data in real time, to then reenact each user's visit to the Papa John's website and "fingerprint" each user and associate that user with visits to other websites that also used same software code.
- The software did not constitute third-party eavesdropping, analogizing such use to a person recording a phone call using a tape recorder, thus falling under the CIPA's "party" exception.

Heiting v HP, Inc. (August 1, 2025)

- CA state court held that third party software cookies **were not "trap and trace" devices**, since software did not identify the ***incoming*** sources (the "who") of a communication, such as phone numbers.
- *"Statute prohibits receiving unauthorized information about incoming communications from other parties – not information that passes between plaintiff and defendant when plaintiff contacts the defendant."*



But Some Claims Persist – AI, Health Information

ConverseNow/CIPA Class Action (N.D. Cal. Aug. 11, 2025)

- Defendant motion to dismiss denied.
- Defendant's AI-powered customer service tools allegedly intercepted calls, texts, and orders without consent.

Doe v. Tenet Healthcare (E.D. Cal. June 9, 2025)

- Court rejects defendant's motion to dismiss CIPA claim alleging improper sharing patients' and prospective patients' **sensitive information**, including browsing history and links to Facebook IDs, with third parties for advertising purposes without consent.



Sensitive Health Information

Frasco v. Flo Health, Inc. (N.D. Cal., No. 3:21-CV-00757) (August 2025)

- Meta/Facebook Inc. violated CIPA by capturing data from visitors to Flo Health’s mobile app (period, and ovulation, and pregnancy tracker), for “eavesdropping” without consent.
- Jury concluded menstrual tracking information was subject to a ‘reasonable expectation of privacy’ and that Flo Health app users did not provide the level of consent necessary to satisfy a CIPA affirmative defense.
- Rejected Meta assertion that it was just processing pseudonymised data, bringing CIPA’s application of device data closer to CCPA’s broad definition of ‘personal data’.
- Meta expected to appeal
- Google settled same claims for \$48 MM in 2021
- Followed 2021 FTC investigation of Flo for misrepresenting how it protects user information – keeping it private -- resulted in settlement requiring affirmative consent from users



Legislative Relief – CA SB 690

- SB 690 (2025) sought to amend key provisions of CIPA (including Sections 631, 632 and 638.50) to include a “commercial purpose” exception.
 - Clarify that routine website business practices—such as the use of session replay technology, chat features or third-party analytics—do not constitute unlawful wiretapping or eavesdropping when used for legitimate commercial purposes.
- Bill passed the CA Senate by a vote of 35–0.
- CA Assembly placed it on hold, now classified as a two-year bill, meaning the earliest it could be reconsidered is 2026.
 - No possibility it will take effect before 2027, if reconsidered at all.



So ... What To Do Now...

Create and post a cookie notice! Now!

- Inform your site visitors of your and third-party tracking practices to avoid non-disclosure claims.
- More to come...

Audit Your Website Data Collection Practices

- Work with your IT and web management teams to understand what tracking technologies are used on your site to collect user information.
- What the collected data is used for.
- How it is stored and for how long.
- If shared with third parties.
- Ensure your user preferences are honored!
 - Recent trend in cases alleging non-compliance with user selections.
 - Actionable under federal and state privacy and general consumer protection laws.



Also...

Review and Revise Website Privacy Policies and Terms and Conditions.

- Ensure these documents accurately reflect your data collection, use, maintenance, processing and sharing practices.
- Misrepresentations are actionable under federal and state privacy and general consumer protection laws.

Know Thy Vendors and Partners

- Identify all third parties collecting, accessing, using, processing, and storing your user data.
 - Ensure agreements contain strong confidentiality and data protection provisions, or a DPA (as well as related reps/warranties and indemnity provisions)
 - Seed test data sets for compliance monitoring
-
- **Stay Aware of Applicable Privacy Legislation and Caselaw**
 - Join or subscribe to privacy blogs, posts, share groups.



Cookie Notices

Content

- Who collects user tracking data on the Site
 - Site operator only or third parties
 - “We and our partners and service providers...”
- User interaction and options
 - “By agreeing to this notice or continuing to visit this site...”
- Link to Privacy Policy or cookie policy for more information and privacy options, and/or preference center
 - Link to ToU for Dispute Resolution Process (mandatory arbitration/class action waiver)
 - Questionable whether enforceable – lack of express agreement

Placement

- Most often presented as a pop up along the bottom of the home page.
- Should be clear and conspicuous, so not to be missed

Duration

- Display until closed or user engages with options
- Clicking outside the notice..?



Regulatory Concerns



**CALIFORNIA PRIVACY
PROTECTION AGENCY**
ENFORCEMENT DIVISION

ENFORCEMENT ADVISORY NO. 2024-02

AVOIDING DARK PATTERNS: CLEAR AND UNDERSTANDABLE LANGUAGE, SYMMETRY IN CHOICE

SUMMARY

- Dark patterns harm consumers by subverting and impairing their autonomy, decisionmaking, or choice.
- Dark patterns are about effect, not intent.
- Using clear and understandable language and offering consumers symmetrical choices avoids impairing and interfering with consumers' ability to make their choice.

<https://cppa.ca.gov/pdf/enf advisory202402.pdf>

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Regulatory Concerns – California Guidance

Symmetrical or equal choice

A website banner seeking the consumer's consent to use a consumer's personal information that offers the choices "Accept All" and "Decline All."

See 11 CCR § 7004(a)(2)(C).

A process to opt-in to the sale of personal information that gives the choice of "yes" and "no."

See 11 CCR § 7004(a)(2)(B).

Manage Content Preferences [Privacy Policy](#)

- Strictly Necessary Cookies Always active
- Performance Cookies
- Functional Cookies
- Targeting Cookies
- Do Not Sell My Personal Information

[Save settings](#) [Agree](#)

Your Privacy Matters

We use cookies to personalize content, analyze traffic, and enhance your browsing experience. By using this website, you consent to our use of cookies. See our [Privacy Policy](#) for more information and options.

[OK](#) [Privacy Policy](#)

Before you continue...

We use cookies to deliver the best possible user experience. When you visit our website, we may store and retrieve information on your browser, or access data like your IP-address or device information. [Privacy Policy](#).

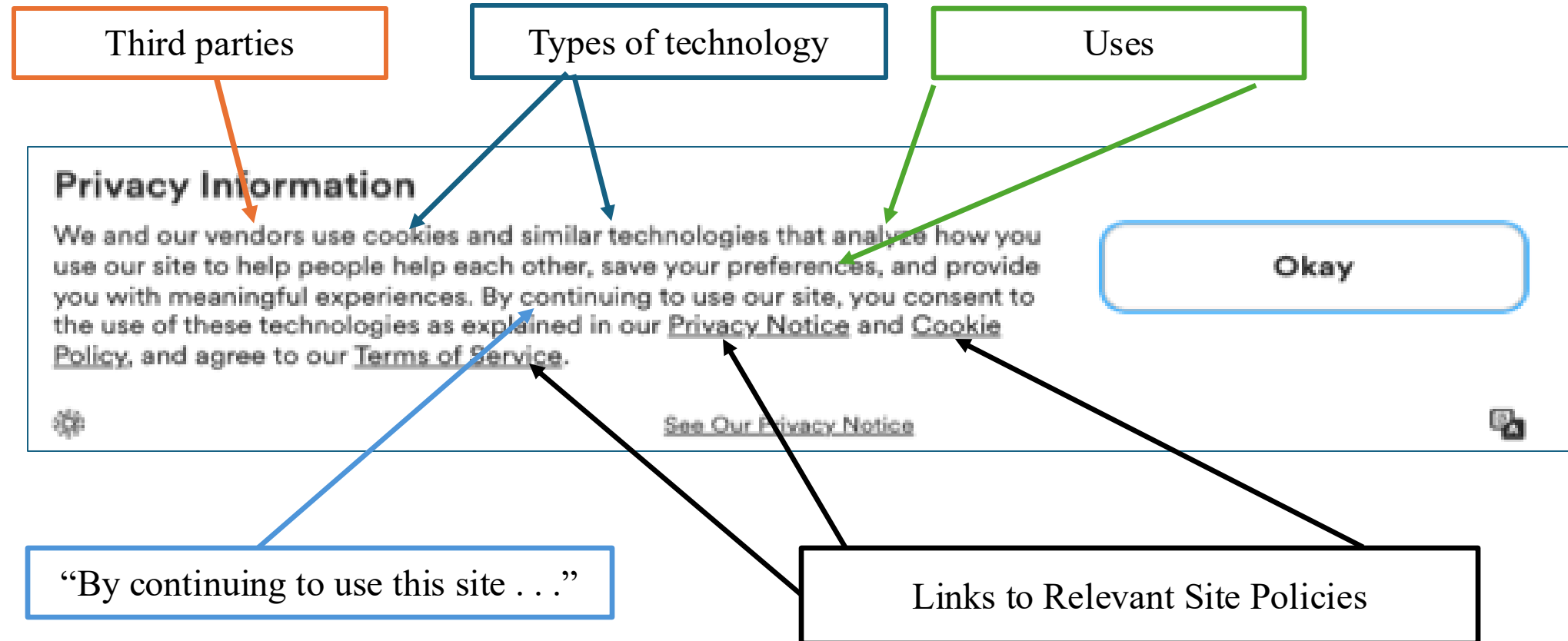
[Enhance my experience](#)

[Other choices](#)

QUESTIONS THE BUSINESS MIGHT ASK


As Business A reviews these user interfaces, it should ask itself the following questions consistent with 11 CCR §§ 7003(a) and 7004(a)(2) to determine whether: (1) the language is easy to understand and (2) the interfaces give consumers symmetrical choices:

Examples of Cookie Notices



Examples of Cookie Notices

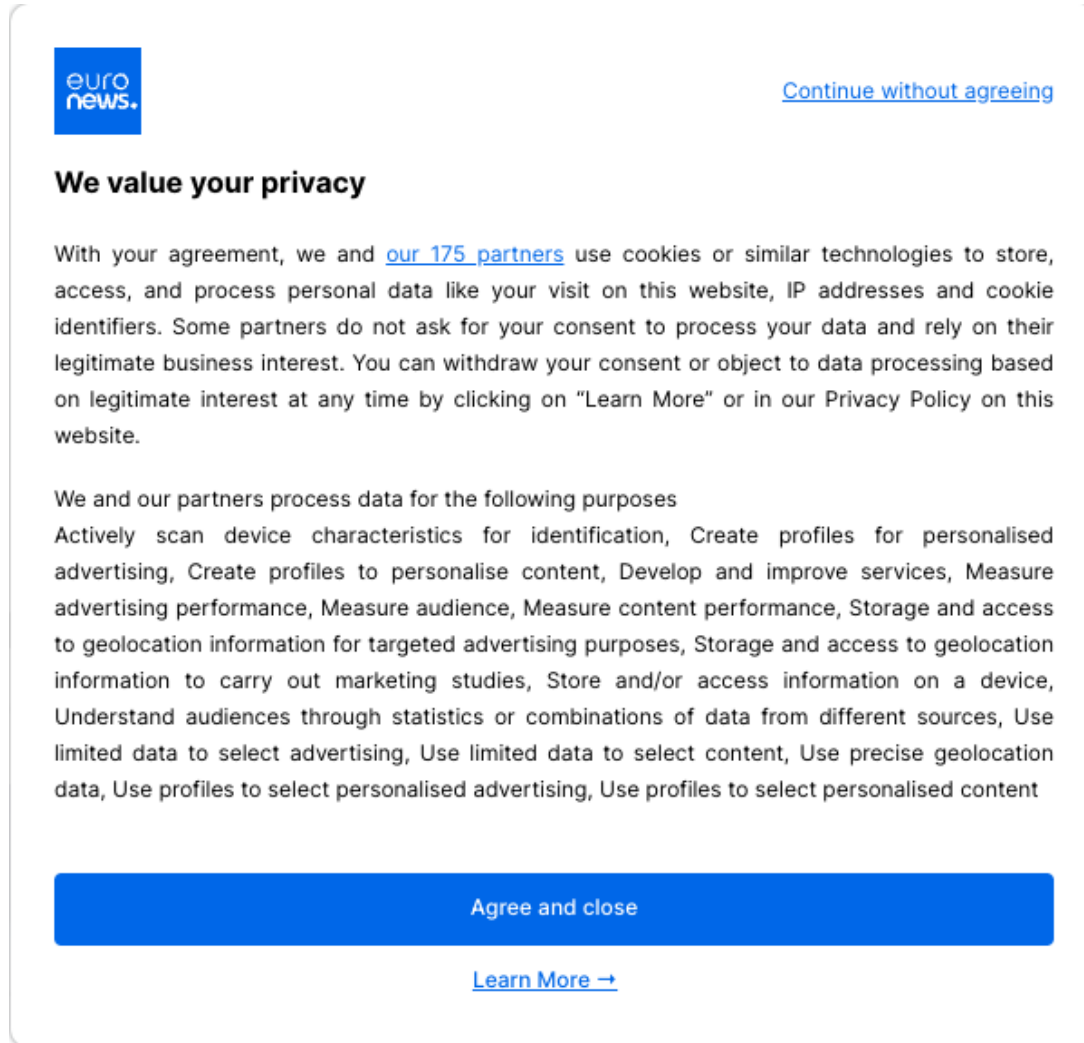
By clicking "Accept All Cookies", you agree to the storing of cookies on your device to enhance site navigation, analyze site usage, and assist in our marketing efforts. Our cookies do not store directly personal information but are based on uniquely identifying your browser and device. We do not track your activity using other information that identifies you like your email address. We do not link data collected from our digital properties including USTA's mobile apps with third-party data for advertising purposes or share the collected data with a data broker. This technology helps us to better understand user behavior including for security and fraud prevention purposes, tell us which parts of our websites people have visited, and facilitate and measure the effectiveness of content and web searches. [Privacy Policy](#)

 [Privacy Policy](#)

[Cookies Settings](#) [Reject All](#) [Accept All Cookies](#)

Requires users to click "Agree" or "Reject" Symmetry!
No mention of third parties...do they allow that?

Examples of Cookie Notices



The screenshot shows a cookie notice from Euro News. It features the Euro News logo in the top left, a link to "Continue without agreeing" in the top right, and a bold heading "We value your privacy". The main text explains that cookies are used for various purposes, including personalization and analytics, and provides a list of specific data processing activities. At the bottom, there is a large blue button labeled "Agree and close" and a link to "Learn More →".

euro news. [Continue without agreeing](#)

We value your privacy

With your agreement, we and [our 175 partners](#) use cookies or similar technologies to store, access, and process personal data like your visit on this website, IP addresses and cookie identifiers. Some partners do not ask for your consent to process your data and rely on their legitimate business interest. You can withdraw your consent or object to data processing based on legitimate interest at any time by clicking on "Learn More" or in our Privacy Policy on this website.

We and our partners process data for the following purposes

Actively scan device characteristics for identification, Create profiles for personalised advertising, Create profiles to personalise content, Develop and improve services, Measure advertising performance, Measure audience, Measure content performance, Storage and access to geolocation information for targeted advertising purposes, Storage and access to geolocation information to carry out marketing studies, Store and/or access information on a device, Understand audiences through statistics or combinations of data from different sources, Use limited data to select advertising, Use limited data to select content, Use precise geolocation data, Use profiles to select personalised advertising, Use profiles to select personalised content

[Agree and close](#)

[Learn More →](#)

“EU like” language
Formal and detailed



Third parties

“across all of our sub domains”

Geolocation



Privacy Preference Center

We and our partners use cookies and other tracking technologies to operate our website as well as to improve your experience on our website. We may store and/or access information on a device and process personal data, such as your IP address and browsing data, for personalized advertising and content, advertising and content measurement, audience research and services development. Additionally, we may utilize precise geolocation data and identification through device scanning. Please note that your consent will be valid across all our subdomains. You cannot opt-out of our Strictly Necessary Cookies as they are deployed in order to ensure the proper functioning of our website (such as prompting the cookie banner). You can accept or reject all other cookies or customize based on cookie category. We respect your choices and are committed to providing you with a transparent and secure browsing experience. For more information see our privacy policy: [Privacy Policy](#)

Manage Your Preferences

Reject All

Accept All



Site Cookies



We use cookies for the best experience on our website. We need your consent to set non-essential cookies on your device, including cookies to provide personalized content, enhance functionality and analyze traffic with our analytics partner. Limited anonymised data may be collected by our analytics partner as standard practice without setting cookies. Please select one of the options shown. [Cookie Policy](#)

Accept All

Reject All

Manage Options

Privacy Preference Center

When you visit any website, it may store or retrieve information on your browser, mostly in the form of cookies. This information might be about you, your preferences or your device and is mostly used to make the site work as you expect it to. The information does not usually directly identify you, but it can give you a more personalized web experience. Because we respect your right to privacy, you can choose not to allow some types of cookies. Click on the different category headings to find out more and change our default settings. However, blocking some types of cookies may impact your experience of the site and the services we are able to offer.

[Cookie Policy](#)

Manage Consent Preferences

+ Strictly Necessary Cookies	Always Active
+ Functional Cookies	<input checked="" type="checkbox"/>
+ Targeting Cookies	<input type="checkbox"/>
+ Performance Cookies	<input type="checkbox"/>

Reject All

Confirm My Choices

Powered by **onetrust**

Third Party Hosted Preference Center

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Good Cookie Descriptions

— **Strictly Necessary Cookies** Always Active

These cookies are necessary for the website to function and cannot be switched off in our systems. They are usually only set in response to actions made by you which amount to a request for services, such as setting your privacy preferences, logging in or filling in forms. You can set your browser to block or alert you about these cookies, but some parts of the site will not then work. These cookies do not store any personally identifiable information.

[Cookies Details](#)

— **Functional Cookies**

These cookies enable the website to provide enhanced functionality and personalisation. They may be set by us or by third party providers whose services we have added to our pages. If you do not allow these cookies then some or all of these services may not function properly.

[Cookies Details](#)

+ **Targeting Cookies**

[Reject All](#) [Confirm My Choices](#)

Powered by [onetrust](#)

— **Targeting Cookies**

These cookies may be set through our site by our advertising partners. They may be used by those companies to build a profile of your interests and show you relevant adverts on other sites. They do not store directly personal information, but are based on uniquely identifying your browser and internet device. If you do not allow these cookies, you will experience less targeted advertising.

[Cookies Details](#)

— **Performance Cookies**

These cookies allow us to count visits and traffic sources so we can measure and improve the performance of our site. They help us to know which pages are the most and least popular and see how visitors move around the site. All information these cookies collect is aggregated and therefore anonymous. If you do not allow these cookies we may collect limited anonymous information, to help us understand how our site is used through the use of cookieless pings. No performance cookies will be set without your consent.

[Cookies Details](#)

[Reject All](#) [Confirm My Choices](#)

Powered by [onetrust](#)



Manage Consent Preferences

— Strictly Necessary Cookies

Always Active

These cookies are necessary for the website to function and cannot be switched off in our systems. They are usually only set in response to actions made by you which amount to a request for services, such as setting your privacy preferences, logging in or filling in forms. You can set your browser to block or alert you about these cookies, but some parts of the site will not then work. These cookies do not store any personally identifiable information.

[Cookies Details](#)

Duration!

— [mayerbrownblogs.com](#) View Cookies

Name	__cfduid
Host	mayerbrownblogs.com
Duration	2579 Days
Type	Third Party
Category	Strictly Necessary Cookies
Description	Cookie associated with sites using CloudFlare, used to speed up page load times. According to CloudFlare it is used to override any security restrictions based on the IP address the visitor is coming from. It does not contain any user identification information.

< Cookie List

Search...

+ [punitivedamagesblog.com](#)
View Cookies

+ [mayerbrownblogs.com](#)
View Cookies

+ [cookielaw.org](#)
View Cookies

+ [countingdownto.com](#)
View Cookies

+ [onetrust.com](#)
View Cookies


+ [classdefenseblog.com](#)
View Cookies

Reject All

Confirm My Choices

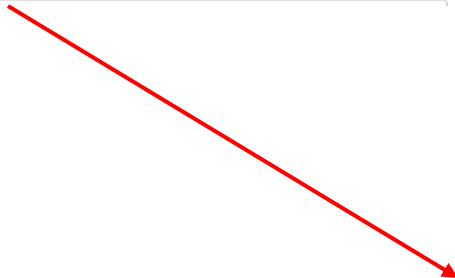
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Functional Cookies 

These cookies enable the website to provide enhanced functionality and personalisation. They may be set by us or by third party providers whose services we have added to our pages. If you do not allow these cookies then some or all of these services may not function properly.

[Cookies Details](#)



Cookie List


Search...

- + **First Party Cookies**
[View Cookies](#)
- + [spotify.com](#)
[View Cookies](#)
- + [fonts.net](#)
[View Cookies](#)
- + [hs-scripts.com](#)
[View Cookies](#)
- + [airtable.com](#)
[View Cookies](#)
- + [region1.google-analytics.com](#)
[View Cookies](#)

Reject All **Confirm My Choices**

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- Targeting Cookies 

These cookies may be set through our site by our advertising partners. They may be used by those companies to build a profile of your interests and show you relevant adverts on other sites. They do not store directly personal information, but are based on uniquely identifying your browser and internet device. If you do not allow these cookies, you will experience less targeted advertising.

[Cookies Details](#)



Cookie List x

- + **First Party Cookies**
[View Cookies](#)
- + [linkedin.com](#)
[View Cookies](#)
- + [hs-banner.com](#)
[View Cookies](#)
- + [twitter.com](#)
[View Cookies](#)
- + [hscollectedforms.net](#)
[View Cookies](#)
- + [doubleclick.net](#)
[View Cookies](#)

[Reject All](#) [Confirm My Choices](#)

Powered by **onetrust**



Performance Cookies



These cookies allow us to count visits and traffic sources so we can measure and improve the performance of our site. They help us to know which pages are the most and least popular and see how visitors move around the site. All information these cookies collect is aggregated and therefore anonymous. If you do not allow these cookies we may collect limited anonymous information, to help us understand how our site is used through the use of cookieless pings. No performance cookies will be set without your consent.

[Cookies Details](#)

Cookie List

Search...



+ First Party Cookies

[View Cookies](#)

+ [view.ceros.com](#)

[View Cookies](#)

+ [nr-data.net](#)

[View Cookies](#)

+ [ceros.com](#)

[View Cookies](#)

+ [mayerbrown.com](#)

[View Cookies](#)

Reject All

Confirm My Choices

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Name	._gat_UA-
Host	ceros.com
Duration	A few seconds
Type	Third Party
Category	Performance Cookies
Description	This is a pattern type cookie set by Google Analytics, where the pattern element on the name contains the unique identity number of the account or website it relates to.

Name	._ga
Host	ceros.com
Duration	730 Days
Type	Third Party
Category	Performance Cookies
Description	This cookie name is associated with Google Universal Analytics - which is a significant update to Google's more commonly used analytics service. This cookie is used to distinguish unique users by assigning a randomly generated number as a client identifier. It is included in each page request in a site and used to calculate visitor, session and campaign data for the sites analytics reports. By default it is set to expire after 2 years, although this is customisable by website owners.

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Takeaways

- **Create and post a cookie notice! NOW!**
- **Audit Your Website Data Collection Practices**
- **Review and Revise Website Privacy Policies and Terms and Conditions**
- **Know Thy Vendors and Partners**
- **Stay Aware of Applicable Privacy Legislation and Caselaw**



THANK YOU!

QUESTIONS?

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