Global Data and Cyber Handbook - The Netherlands

Cookies, Online Tracking and Direct Marketing

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# Are there specific requirements for the use of cookies and other online tracking technologies?

*Last reviewed: December 2024*

Yes.

The requirements for cookies and/or other tracking techniques are laid down in the Dutch Telecommunications Act (implementing the ePrivacy Directive). As a main rule, the usage of tracking cookies requires the user's consent in accordance with the GDPR.

# Are there specific requirements related to the use of personal data for direct marketing activities?

*Last reviewed: December 2024*

Yes.

Note that the rules vary depending on whether the marketing activities are B2B or B2C oriented. In summary, the following rules of thumb apply (exceptions are available under specific circumstances)

**☒   email marketing**

☒   prior opt-in consent

☒   prior existing business relationship (and subject to other requirements) with opt-out consent

**☒   telephone marketing**

☒   prior opt-in consent

☒   prior existing business relationship (and subject to other requirements) with opt-out consent

**☒   SMS/text message marketing**

☒   prior opt-in consent

☒   prior existing business relationship (and subject to other requirements) with opt-out consent

**☒   postal marketing**

☒   opt-out or implied consent

**☒   online behavioral advertising targeting/social media targeting/ad personalization marketing**

☒   prior opt-in consent

☒   prior existing business relationship (and subject to other requirements) with opt-out consent

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