UK & EU GDPR - IP Addresses/Intent/Behavioral Data Overview

The GDPR considers IP addresses as online identifiers that may be associated with natural persons. Recital 30 states that when combined with unique identifiers and other information received by servers, IP addresses may be used to create profiles of individuals and identify them. Therefore, IP addresses are considered personal data under the GDPR in the European Union and UK.

The GDPR does not explicitly define "behavioral data." However, behavioral data may fall under the category of personal data, which is defined as any information relating to an identified or identifiable natural person. The GDPR provides specific protections for personal data, including behavioral data, and imposes obligations on data controllers and processors. These obligations include obtaining lawful grounds for processing personal data, providing transparency and information to data subjects, ensuring data security, and respecting data subject rights. It is important to note that the specific regulations regarding behavioral data may depend on the context and purpose of its processing.

When the ePrivacy Regulation is enacted/passed (it is still under discussion in the European Parliament and the Council of the EU), the above may change but currently the ePrivacy Directive is active, also known as Directive 2002/58/EC, is a privacy legislation in the EU that focuses on privacy and electronic communications. It was designed to complement the Data Protection Directive and address issues related to private electronic communication. The ePrivacy Directive covers various aspects, including rules on cookies and tracking technology, transparency, and security for users. However, it has been recognized that the ePrivacy Directive has limitations in achieving full protection of privacy and confidentiality of communications. As a result, there have been ongoing discussions and proposals for a new regulation, the ePrivacy Regulation, which aims to enhance privacy rights and protections for electronic communications.