

# Cookies in the public interest



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BRUSSEL


Ine van Zeeland, imec-SMIT, Vrije Universiteit Brussel

# Research question

Why do public service media (PSM) process user data via cookies, despite legal and public trust risks?



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# Cookies in the public interest - A case study of a public service media (PSM) organisation's reasons for user tracking

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# PSM in digital society

- ▼ Competing with various market players, PSM have to justify state funding.
- ▼ PSM are to make a “contribution to society” or deliver “public value”.
- ▼ The popularity of SVODs\* and other platforms has raised expectations of personalisation.
- ▼ PSM cannot compete with large platforms but have to seek collaborations.

\* SVOD = subscription video-on-demand, e.g. Netflix.

# The cookie conundrum

- ▼ Personalised content and advertising requires (a lot of) personal data.
- ▼ Tracking involves a complex system of publishers, advertisers, infrastructure, intermediaries.
- ▼ Individual risks can be legal, reputational, financial, intellectual. And there are risks to society.
- ▼ (Cookie) tracking is regulated by the ePD, the GDPR, the DSA, a.o.
- ▼ Tracking often requires consent from the media user.

# 4 propositions on cookie use by PSM

- 1 PSM use cookie-derived user data for **accountability** purposes, to demonstrate wide audience reach, both in market share and numbers for specific audiences.
- 2 PSM use cookie-derived user data with the aim of obtaining **advertising** revenue.
- 3 PSM use cookie-derived user data because they believe they need to **personalise** content and advertising to meet audience needs.
- 4 PSM use cookie-derived user data because they are caught up in technology **platforms' ecosystem** of personal data processing.

# Case study set-up

- ▼ 9 months of participatory observation in a PSM.
- ▼ PSM in a 'small media market', obliged by law to meet performance indicators.
- ▼ Performance indicators include wide and diverse audience reach.
- ▼ Documentation was used to corroborate or challenge the observational findings.

# Findings: cookies in the public interest?

1

PSM use cookie-derived user data for accountability purposes

confirmed

2

PSM use cookie-derived user data for advertising revenue.

confirmed, but ...

3

PSM believe they need personalisation to meet audience needs

confirmed, but ...

4

PSM are caught up in platforms' ecosystem of personal data use

confirmed

consent  
not  
relevant

# Findings: other reasons for tracking

technology and infrastructure (coercion)

mimetic isomorphism: others do it too

lack of knowledge/budget for alternatives

# Discussion and conclusions

## Why do PSM process user data via cookies, despite legal and public trust risks?

- ▼ All propositions confirmed, but with more detail and nuance.
- ▼ Three other reasons found why PSM use cookies, that need to be taken seriously.
- ▼ While public trust is mentioned sometimes, legal problems were mentioned much more often.
- ▼ Public values or the public interest are hardly a topic in everyday practice.

**Thank you for your  
attention**

Questions, suggestions?  
[ine.van.zeeland@vub.be](mailto:ine.van.zeeland@vub.be)



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