



MYTHBUSTING

Killing the lobby myths that are polluting the preparation of the e-Privacy Regulation

The e-Privacy Regulation is currently being discussed in the EU institutions. It covers the privacy and security of our electronic communications – to improve trust, security and competition for online services. It has been subjected to “[one of the worst lobbying campaigns ever](#)”. Here are some of the myths that have been peddled.

1. Myth: e-Privacy bans advertising

Fact: The e-Privacy Regulation does not ban any business models, included those that are advertising funded. Indeed it does not address most types of advertising. The e-Privacy reform only addresses the issue of the surveillance-driven advertising business model that disproportionately impacts users' right to privacy. The e-Privacy Regulation aims to put users back in control of their communication data and ensure that they are aware of, and able to decide on, how this information is being used.

2. Myth: e-Privacy is bad for democracy

Fact: Surveillance advertising is the business model of fake news. According to the [New York Times](#), the author of one of the famous fake news stories that helped Donald Trump get elected earned \$22000 during election campaign thanks to Google.

Similarly, in the context of an investigation led by the US Senate Intelligence Committee, Facebook lawyers were invited to testify on how their platform had been manipulated to promote around 3000 ads that spread fake news and disinformation during the US presidential election.

When users are tracked by advertisers, not only is their privacy at risk, but their own information is used against them to influence their beliefs and political views.

3. Myth: e-Privacy is bad for media pluralism and quality of journalism

Fact: Surveillance advertising makes profits from getting as many “clicks” (visits) as possible from internet users. This means that, as [The Guardian](#) puts it, “lousy content” wins out over quality. Sensationalism and outrage is more profitable than truthful journalism. While surveillance advertising is relied on for revenue, it puts readers' privacy at risk and reduces the quality of journalism.

4. Myth: e-Privacy prevents the fight against illegal content

Fact: Nothing in the proposed e-Privacy Regulation or the LIBE report prevent the application of legislation and measures dedicated to the fight against illegal content. The telecoms companies used the same argument to lobby against the Net Neutrality Regulation. It was not true then. It is not true now. It is absurd to accuse EPP Commissioners Gabriel and Oettinger (responsible for this file) of undermining the fight against illegal content.

“Surveillance advertising is the business model of fake news.”

5. Myth: e-Privacy helps Google and Facebook

Fact: Lobbying from parts of the publishing industry that claims that e-Privacy would only help Google and Facebook. The reality is that the current regulatory deficiencies have created a situation where Google and Facebook are basically a duopoly for advertising revenue. Indeed, it has been calculated that, in the USA, they own about two thirds of the market and are absorbing about 99% of market growth. A strong e-Privacy Regulation would address some of the regulatory deficiencies and would foster competition. The e-Privacy Regulation is in line with changes introduced by the GDPR to reduce regulatory burden. It also provides for measures on privacy by design which will help European privacy-friendly industry continue growing.

6. Myth: We need a level playing field

Fact: Actually, this is true. Google and Facebook products are leading the email, search and social media markets in the EU, resulting in a large concentration of EU citizens' private communications in the hands of these two companies. Unsurprisingly, the trade industry associations representing these companies are actively asking for the repeal of the current law and/or for the rejection of the reform. Despite claims that the e-Privacy Regulation would kill the internet and platforms, the e-Privacy reform provides for a level playing field and legal certainty for both business and users by applying to most telcos and online platforms.