

Updated guidance on storage and access technologies consultation

Overview

The Information Commissioner's Office (ICO) is consulting on a new chapter within the [draft updated guidance on storage and access technologies](https://ico.org.uk/for-organisations/direct-marketing-and-privacy-and-electronic-communications/guidance-on-the-use-of-storage-and-access-technologies/) <<https://ico.org.uk/for-organisations/direct-marketing-and-privacy-and-electronic-communications/guidance-on-the-use-of-storage-and-access-technologies/>> (previously known as the 'detailed cookies guidance').

This new chapter contains updates to our guidance following the introduction of the Data (Use and Access) Act 2025.

Your responses will help us to provide any additional further clarity required in the final guidance update.

You can also respond to the consultation by contacting us at StorageAndAccess@ico.org.uk.

We welcome feedback to the questions set out in the survey. This survey is split into the following sections:

- Section 1: Your views on our proposed regulatory approach
- Section 2: About you and your organisation
- Section 3: Questions to assess the impact of our approach
- Section 4: Final comments

The consultation will remain open until **26 September 2025**. We may not consider responses received after this deadline.

Privacy Statement

For this consultation, depending on your preference, we may publish in full the responses received from organisations or a summary of the responses. If we do publish any responses, we will remove email addresses and telephone numbers from these responses. Please do not to share any information in your response which you would not be happy for us to make publicly available.

Should we receive an FOI request for your response we will always seek to consult with you for your views on the disclosure of this information before any decision is made. For more information about what we do with personal data please see our [privacy notice](https://ico.org.uk/global/privacy-notice/) <<https://ico.org.uk/global/privacy-notice/>>, and the section on [responding to our consultations and surveys](https://ico.org.uk/global/privacy-notice/responding-to-our-consultation-requests-and-surveys/) <<https://ico.org.uk/global/privacy-notice/responding-to-our-consultation-requests-and-surveys/>>.

Please note that we are using the platform Citizen Space to gather this information on our behalf. Citizen Space is provided by a UK supplier, Delib. You can read Delib's privacy policy [here](https://www.delib.net/legal/privacy_notice) <https://www.delib.net/legal/privacy_notice>.

Your views on our proposed regulatory approach

1 How far do you agree that the draft guidance's new chapter 'what are the exceptions?' provides clarity on new exceptions under the Data (Use and Access) Act?

(Required)

Please select only one item

- ☐ Strongly agree
- ☐ Agree
- ☐ Disagree
- ☐ Strongly Disagree
- ☐ Unsure / Don't know

Please explain your answer

2 Do you understand our interpretation of the statistical purposes exception?

(Required)

Please select only one item

- ☐ Strongly agree
- ☐ Agree
- ☐ Disagree
- ☐ Strongly disagree
- ☐ Unsure / don't know

If you disagree, please explain what we can include to provide further clarity?

3 Do you understand our interpretation of the 'appearance' exception?

(Required)

Please select only one item

- ☐ Strongly agree
- ☐ Agree
- ☐ Disagree
- ☐ Strongly disagree
- ☐ Unsure / don't know

If you disagree, please explain what we can include to provide further clarity?

4 Do you understand our interpretation of the 'emergency assistance' exception?

(Required)

Please select only one item

- ☐ Strongly agree
- ☐ Agree
- ☐ Disagree
- ☐ Strongly disagree
- ☐ Unsure / Don't know

If you disagree, please explain what we can include to provide further clarity?

5 Relating to the new exceptions only, are there any other use cases of storage and access technologies that you think the final guidance should refer to?

Please provide details

About you and your organisation

6 Are you responding to this consultation on behalf of an organisation?

(Required)

Please select only one item

- ☐ Yes
- ☐ No

About you and your organisation

7 (If an organisation) Is your organisation:*Please select only one item*

- ☐ A private sector organisation
- ☐ A public sector organisation
- ☐ A charity or third sector organisation
- ☐ Other (please specify)

Other (please specify)

8 What is the name of your organisation?

Organisation

9 What is the size of your organisation?*(Required)**Please select only one item*

- ☐ 0 to 9 members of staff
- ☐ 10 to 49 members of staff
- ☐ 50 to 249 members of staff
- ☐ 250 to 499 members of staff
- ☐ 500 to 999 members of staff
- ☐ 1,000 to 2,499 members of staff
- ☐ More than 2,500 members of staff
- ☐ Unsure / Don't know

10 Approximately what percentage of your staff are based in the UK?*(Required)**Please select only one item*

- ☐ 0%
- ☐ 1% - 20%
- ☐ 21% - 40%
- ☐ 41% - 60%
- ☐ 61% - 80%
- ☐ 81% - 100%
- ☐ Unsure / Don't know

Questions to assess the impact of our approach

As part of our impact assessment work, we would like to understand more about how you think the new chapter containing updates to our guidance following the introduction of the Data (Use and Access) Act 2025, impacts you and your organisation. The following questions relate to our recent [draft impact assessment](https://eur03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fico.org.uk%2Fabout-the-ico%2Fresearch-reports-impact-and-evaluation%2Fimpact-and-evaluation%2Fimpact-assessment%2Fguidance-on-the-use-of-storage-and-access-technologies-draft-impact-assessment-december-2024%2F&data=05%7C02%7CAdam.Surtee%40ico.org.uk%7C2038920e21fd48197f1c08ddae51c98d%7C501293238fab4000adc1c4cfebf21e6%7C0%7C0%7C63885838906) <https://eur03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fico.org.uk%2Fabout-the-ico%2Fresearch-reports-impact-and-evaluation%2Fimpact-and-evaluation%2Fimpact-assessment%2Fguidance-on-the-use-of-storage-and-access-technologies-draft-impact-assessment-december-2024%2F&data=05%7C02%7CAdam.Surtee%40ico.org.uk%7C2038920e21fd48197f1c08ddae51c98d%7C501293238fab4000adc1c4cfebf21e6%7C0%7C0%7C63885838906>. Please skip these, if you have already provided input on our previous [consultation](https://eur03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fico.org.uk%2Fabout-the-ico%2Fico-and-stakeholder-consultations%2F2024%2F12%2Fico-consultation-on-the-draft-updated-guidance-on-storage-and-access-technologies%2F&data=05%7C02%7CAdam.Surtee%40ico.org.uk%7C2038920e21fd48197f1c08ddae51c98d%7C501293238fab4000adc1c4cfebf21e6%7C0%7C0%7C63885838906) <https://eur03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fico.org.uk%2Fabout-the-ico%2Fico-and-stakeholder-consultations%2F2024%2F12%2Fico-consultation-on-the-draft-updated-guidance-on-storage-and-access-technologies%2F&data=05%7C02%7CAdam.Surtee%40ico.org.uk%7C2038920e21fd48197f1c08ddae51c98d%7C501293238fab4000adc1c4cfebf21e6%7C0%7C0%7C63885838906> or if the questions are not relevant to you or your organisation.

11 Do you think the updates to the draft guidance for storage and access technologies will result in additional costs or benefits to your organisation? (These could be financial or non-financial and might include staff time)

(Required)
Please select only one item

- ☐ Cost(s)
- ☐ Benefit(s)
- ☐ Both
- ☐ Neither
- ☐ Unsure / Don't Know
- ☐ Already provided this information previously

Please describe any types of additional costs or benefits you might incur:

Please provide a rough estimate of any additional costs or benefits you are likely to incur and briefly explain how you have calculated these:

If there is any other evidence or information on the potential impacts of the guidance or our impact assessment that you would like us to consider, please provide it in the box below. (This could include a description, links to other sources, or contact details where we can reach you to discuss further)

About you and your organisation

12 (If not an organisation) Are you answering as:*Please select only one item*

- ☐ An academic
- ☐ An individual acting in a professional capacity
- ☐ An individual acting in a private capacity (eg someone providing their views as a member of the public)

Other (please specify)

Final comments**13 Before completing this consultation, do you have any final comments you have not made elsewhere?**

Final comments

Contact details

Are you happy to be contacted about the answers you have provided in this consultation?

14 If so, please provide your name and email address

Name

Email address

15 We may publish in full the responses received from organisations or a summary of the responses. If so, we would like your permission to publish your consultation response. Please indicate your publishing preference:*(Required)**Please select only one item*

- ☐ Publish response
- ☐ Publish response anonymously
- ☐ Do not publish response