

press release
Dutch DPA
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Microsoft improves privacy protection but further investigation needed

A follow-up check on the investigation carried out by the Dutch Data Protection Authority (Dutch DPA) in 2017 has shown that Microsoft has improved privacy protection for Windows users. However, the Dutch DPA also discovered new, potentially unlawful, instances of personal data processing. It has therefore asked its Irish counterpart to carry out a further examination into the privacy of Windows users.

Background

In 2017 the Dutch DPA investigated privacy issues affecting users of Windows Home and Windows Pro. Microsoft was found to be using telemetry to unlawfully process users' personal data. This was an infringement of users' privacy. In April 2018 Microsoft made a number of changes to Windows at the Dutch DPA's insistence.

A follow-up check by the Dutch DPA has shown that the changes have led to concrete improvements. Microsoft has complied with the agreements made. However, the check also brought to light that Microsoft is remotely collecting other data from users. As a result, Microsoft is still potentially in breach of privacy rules.

European cooperation

The Dutch DPA has now shared the results of its investigation with EU counterparts. Since May 2018 the General Data Protection Regulation (GDPR) has been in force across the EU. EU privacy regulators now work together to deal with complaints and reports concerning cross-border privacy infringements by enterprises based outside the EU. The supervisory authority in the country where an enterprise has its European main establishment plays a leading role in investigations and can also take enforcement measures. In Microsoft's case, this is Ireland. Other national DPAs that forward complaints and reports will remain involved with the case; this includes the Dutch DPA.

Advice to users

The Dutch DPA advises users to pay close attention to privacy settings when installing and using Windows software. Microsoft is permitted to process personal data if consent has been given in the correct way.