The new e-Privacy Regulation will introduce revised and complex rules affecting end users' terminal equipment and how data is collected in that context. Here is our high level assessment of the various data activities involving users’ devices covered by the proposed e-Privacy Regulation issued in January 2017.

<table>
<thead>
<tr>
<th>e-Privacy Regulation activity</th>
<th>Real world activity</th>
<th>Notice and consent requirements</th>
<th>Article</th>
</tr>
</thead>
</table>
| Using terminal equipment's processing and storage capabilities and the collection of information from end-users' terminal equipment | Placing cookies or using device fingerprinting to serve behavioural or interest-based advertising  
Collecting sensor or location data from users' IoT devices for marketing or developing new products | Prior consent needed  
Consent is a freely given, specific, informed and unambiguous indication of the data subject's wishes by a clear affirmative action | Article 8(1)(b) |
| Collecting the data packets sent and received between users in a messaging app for the sole purpose of transmitting the communication | No consent needed because it is necessary for the sole purpose of carrying out the transmission of a communication over an electronic communications network | Article 8(1)(a) |
| Accessing the camera of a mobile phone to allow a user to upload photos to a social networking site  
Collecting data from sensors to allow a user to monitor steps taken or heart rate  
Tracking location data to allow a user to geo-tag places on an online map or provide navigation services | No consent needed because it is necessary for providing an information society service requested by the user | Article 8(1)(c) |
| Placing first party cookies to get information about users of a website or social networking site (e.g. number of views of a post) in order to improve or ensure the proper functioning of that site. | No consent needed because it is necessary for web audience measuring carried out by the provider of an information society service requested by the user | Article 8(1)(d) |
| Collecting data emitted by terminal equipment to enable it to connect to another device and or network equipment | Collecting the signals emitted by mobile phones in a public space (e.g. airport) to allow the user to connect to a wi-fi hotspot  
Monitoring location data emitted by mobile phones in a public space to determine footfall and traffic  
Matching the location data emitted by mobile phones in a public space with customer profiles to provide personalised advertising | No notice or consent needed because it is necessary to establish a connection  
Clear and prominent notice needed (but not consent)  
Clear and prominent notice needed  
Additional rules regarding consent for direct marketing as provided for under Article 16 of the draft e-Privacy Regulation will also apply | Article 8(2)(a)  
Article 8(2)(b)  
Article 8(2)(b) |

*The e-Privacy Regulation is due to replace the existing EU e-Privacy Directive and will become law once its final version is agreed and formally adopted.*