DIDOMI

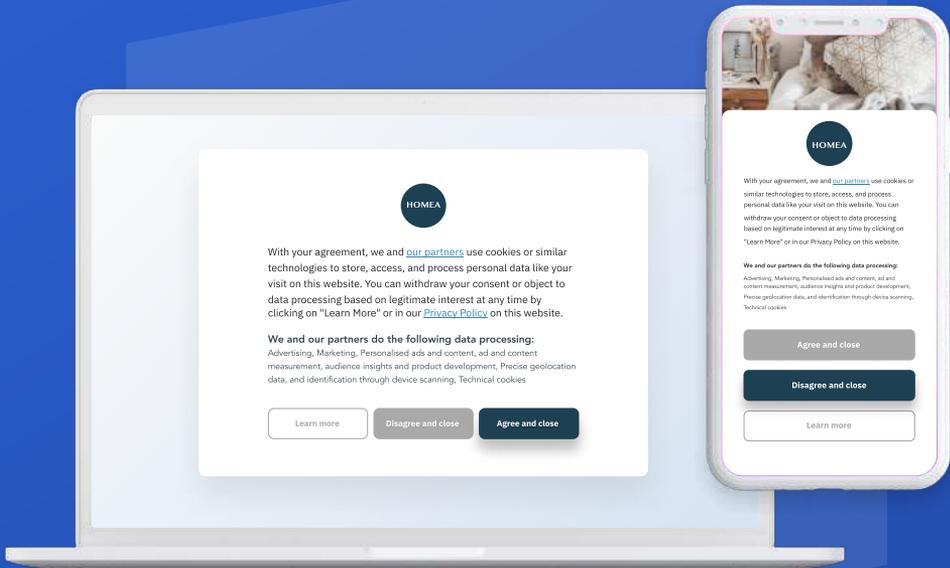## Data Privacy benchmark
Consent collection in 2023

2022 was a massively impactful year for the Privacy industry.

From the discussion around the legality of Google Analytics in Europe to the Belgian DPA decision about the IAB Consent Transparency Framework, Google's cookie deprecation being pushed back to 2024, or the talk surrounding a potential federal data privacy law in the US, a lot of data privacy topics ended at the forefront of the digital and business world.

Of course, 2022 was also a very important year for Didomi: We launched our Preference Management Platform (PMP), acquired privacy monitoring startup Agnostik, expanded to 10 new markets worldwide, and added 10 new languages to our Consent Management Platform (totaling 45), or obtained the coveted ISO 27001 certification, among other things.

Thanks to our position as a leader in the market, we are at the forefront of privacy analytics: our solutions collect millions of consent data from over 100 countries, across billions of page views every month. As a result, we can understand the key dynamics of consent and privacy behavior for internet users globally. We are grateful to have access to such insight and take great responsibility in respecting internet users' privacy, while collecting and building this unique privacy dataset.

In this whitepaper, we share our learnings about the state of data privacy consent in 2023, and the trends we've observed over the past years, from the best-performing consent banner format to Google Consent Mode, cookie walls, and more.

We hope this will be of interest and are excited about another great year in data privacy.

Romain Gauthier,
CEO and co-founder at Didomi

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Why do consent rates matter?

Before we dive into the nitty-gritty of the data, you might ask yourself why obtaining a good consent rate is so important for your business.

Beyond the simple, straightforward answer that is compliance with data privacy regulations, user consent (and lack thereof) has a profound impact on many aspects of your business:

- **Analytics and digital campaign performance measurement,** as a result of incomplete or missing data.

- **User experience improvement,** since a high volume of opt-outs will jeopardize your ability to perform A/B testing.

- **Product development,** due to limited insight into user behavior and preferences, making it more difficult to make informed decisions.

- **Monetization and financial performance,** as a high opt-out rate can limit the ability to run targeted ads and personalized content.

Key concepts

Didomi collects events through the SDKs deployed on your properties (websites, mobile apps, privacy Centers, etc.) and provides aggregated analytics in the Didomi Console.

Understanding how privacy impacts your business across all your digital activities is critical. Before diving deeper into the nitty-gritty of the data, make sure you have a good grasp of the main privacy indicators at play.

Consent rate

The total choices metric is the sum of user choices (opt-in and opt-out). This metric is used to calculate the consent rate.

The consent rate provides the percentage of users who have given a consent (opt-in) over all the users that have replied to the consent notice.

Consent rate = opt-ins / Total Choices

Choice rate

The banner choice rate is the percentage of choices given (opt-in or opt-out) over the total number of banners.

No-choice rate

The no-choice rate is the percentage of consent banners displayed that were not answered to.

Opt-in rate

The opt-in rate is the number of opt-ins divided by the number of banners displayed. It gives the percentage of users who gave their consent.

Cookie wall

A cookie wall is a mechanism that allows you to block the access to certain content or services in your website or app if the user has not given their consent for cookies.

Consent rate vs Opt-in rate

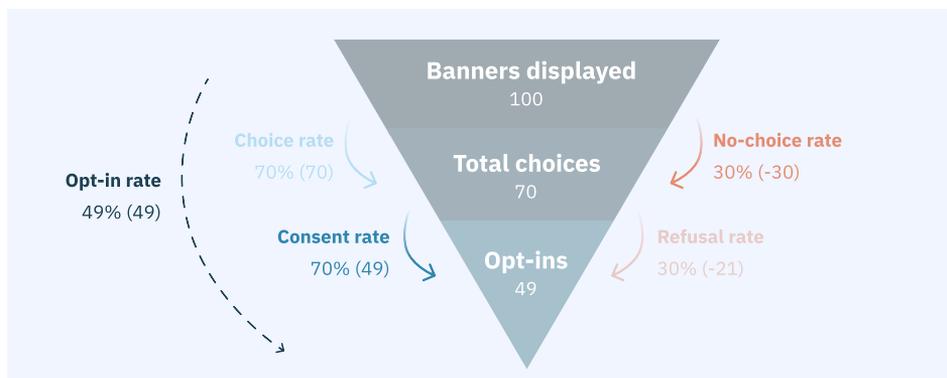We describe all the differences between the consent rate and the opt-in rate in this dedicated article here.

Refusal rate

The refusal rate is the number of opt-outs divided by the number of banners displayed. It gives the percentage of users who replied negatively.

In short:

- **The consent rate gives you a more consistent performance indicator** of your banner to generate user opt-ins.
- **The opt-in rate, on the other hand, has a higher variability** because the indicator can be affected by traffic with a high bounce rate, such as a display campaign. Also, the opt-in rate can vary a lot according to the notice format. So if you have different notice format types, for example, pop-ins and footers, it would be more difficult to read your performance across your different environments.

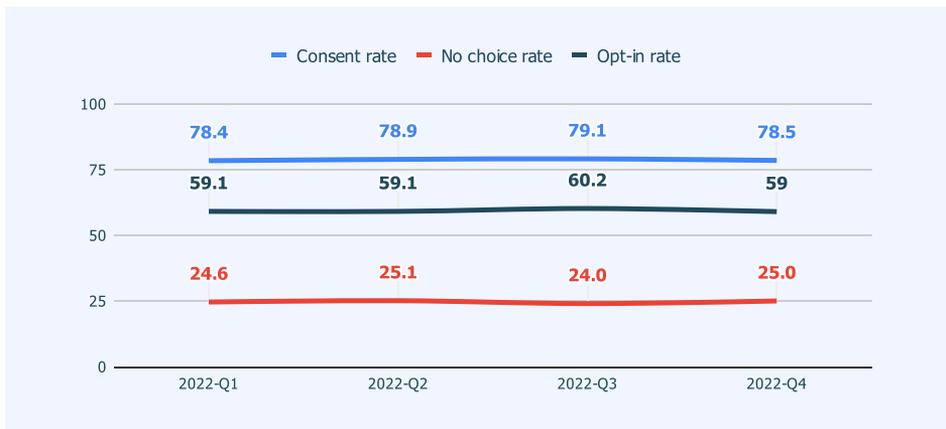**In this white paper we will focus on the consent rate, the no-choice rate and the opt-in rate.**

Opt-in rate
49% (49)

Choice rate
70% (70)

Banners displayed
100

No-choice rate
30% (-30)

Total choices
70

Consent rate
70% (49)

Opt-ins
49

Refusal rate
30% (-21)

Consent in 2023 - The numbers in European markets

What is the state of consent in 2023? We've gathered and crunched a lot of our proprietary data (Didomi is deployed on over 21k websites & apps) to paint a picture as comprehensive as possible, depending on the device type, country, or industry of end-users.

a. Consent rate, no choice rate & opt-in rate

Data: European markets, excluding websites without negative action

b. KPIs by SDK

	Web	Mobile	CTV	AMP
SDK Type				
Consent rate	79.0%	77.4%	79.0%	74.1%
No-choice rate	24.2%	28.1%*	17.4%	32.7%
Opt-in rate	59.9%	60.4%*	61.6%	49.9%

Data: European markets, excluding websites without negative action.
*This data does not take into account the IOS data as implementations can vary greatly due to the ATT.

c. KPIs by device type (web only)

Device Type	Consent rate	No-choice rate	Opt-in rate
Desktop	77.2%	24.4%	58.3%
Smartphone	81.6%	24.2%	62.0%
Tablet	72.1%	26.1%	53.0%
Television	75.3%	16.6%	62.5%
Phablet	78.0%	21.0%	61.6%
Other	86.2%	30.3%	57.9%

Data: European markets, excluding websites without negative action, sdk-web only

d. KPIs by country

What are some of the key consent banner metrics throughout Europe?

Depending on the country where your users are located, they might be more or less familiar with consent banners, which in turn could impact your positive consent rate (consent fatigue is a well-documented phenomenon).

From Austria where the consent rate reaches 87.2% on average to France which boasts the lowest average opt-in rate in Europe at 54%. Check out some of our data in the following table:

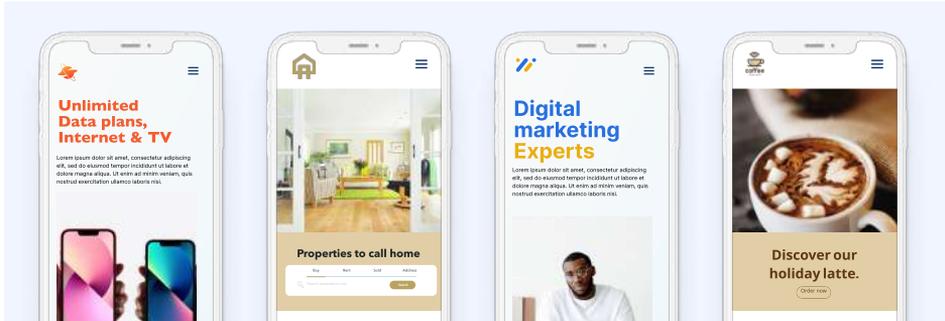| Country	Consent rate	No-choice rate	Opt-in rate
France	72.1%	25.0%	54.0%
Italy	76.5%	29.3%	54.2%
Spain	87.4%	25.9%	65.0%
Belgium	87.9%	20.5%	70.2%
Germany	83.3%	27.8%	60.6%
Slovakia	82.3%	20.9%	65.0%
United Kingdom	86.7%	26.1%	64.2%
Ireland	84.0%	29.0%	60.2%
Austria	87.2%	23.0%	67.2%
Czech Republic	79.1%	23.5%	60.4%

Data: Top 10 countries based on volume of banners
European markets, excluding websites without negative action

However, be warned that several factors can influence these numbers:

- **Local regulations:** Even though the GDPR has helped a great deal to unify data privacy regulations throughout Europe, the various interpretations of the law can influence consent metrics from one country to another.

- **Our data:** Our database reflects the practices and rates of our clients, and is limited to the extent of our dataset. While we collect billions of consent choices every year, this is still something to be aware of.

- **Favored consent banner format:** As we will see later in the whitepaper, the format of a consent banner can have a dramatic impact on its performance. Local regulations, culture, and consumer habits influence the prominence of certain formats in certain areas, thus impacting average performance rates.

Is your audience active only in your country, or do you have an international reach?
A Spanish consumer might be surprised by consent banner practices that are commonplace in France. These are some of the things you should keep in mind.

e. KPIs by industry

Industry	Consent rate	No-choice rate	Opt-in rate
Media & Publishers	78.0%	25.4%	58.3%
Food & Beverages	82.0%	26.0%	60.8%
Gaming / Sports	79.5%	23.3%	60.8%
High tech / Telecom	72.6%	25.0%	54.4%
Furniture / Home equipment	79.2%	31.0%	54.9%
Healthcare / Pharmaceutical	74.8%	33.2%	50.5%
Construction / Real estate	76.5%	25.5%	56.7%
Services	76.7%	24.9%	57.6%
Travel / Tourism	82.3%	23.1%	63.5%
Public sector / Charity / Education	72.7%	22.6%	56.1%
Fashion / Apparel / Jewelry	83.8%	24.8%	63.3%
Finance / Banking / Insurance	76.4%	27.9%	55.3%
Automotive	81.5%	21.6%	64.1%
Beauty / Cosmetics	78.7%	27.1%	57.9%
Energy & Environmental / Utilities	72.4%	18.0%	59.3%
Other	83.7%	18.6%	64.1%

Data: Web only, format pop-up only, user-based opt-in rate is calculated based on monthly unique visitors

Consent banner format performance

Choosing the right consent banner format is the most impactful thing you can do to improve your consent performance. In this section, we look at the most popular formats and their performance, depending on their position on the page, and the choices they give the user.
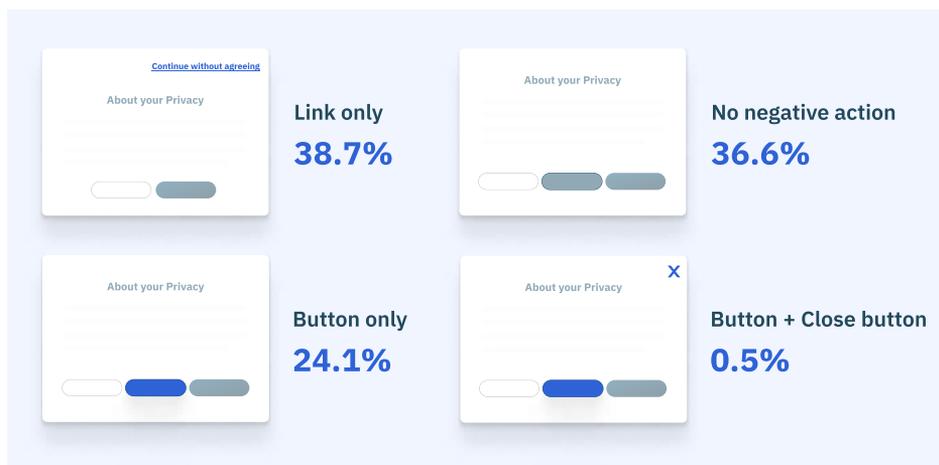
a. Consent banner formats distribution by position: Pop-in, footer, or top

Pop-up is the main format of the banner (74.5%), followed by bottom (24.8%) and a very small percentage of banners is placed at the top of the websites.

Pop-up	Footer	Top
74.5%	**24.1%**	**0.7%**

b. Options available: button, button + close button, link only

Banner formats distribution by negative action

Link only
38.7%

No negative action
36.6%

Button only
24.1%

Button + Close button
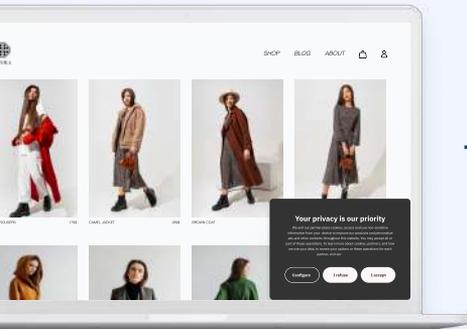**0.5%**

What is the best consent banner format?

In 2022 and based on the billions of consents collected by Didomi customers using our CMP, the best-performing consent banner was the center page format, which pauses navigation until consent is collected.

Although other formats have shown similar results in terms of consent rates, the volume of users not interacting with the banner (no-choice rate) drastically increases if the banner allows browsing without committing to a choice - whether positive or negative.

This has a direct impact on the volume of consent collected, and therefore on the measurement and deployment of marketing actions.

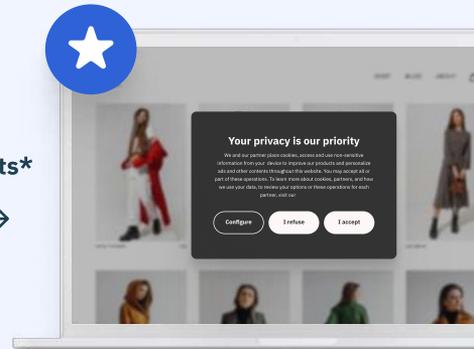**Consent is Optional**
No-choice rate between 56% and 80%*

Consent is Required
No-choice rate between 25% and 40%*

No-choice rate decreases between -16 points and -40 points*

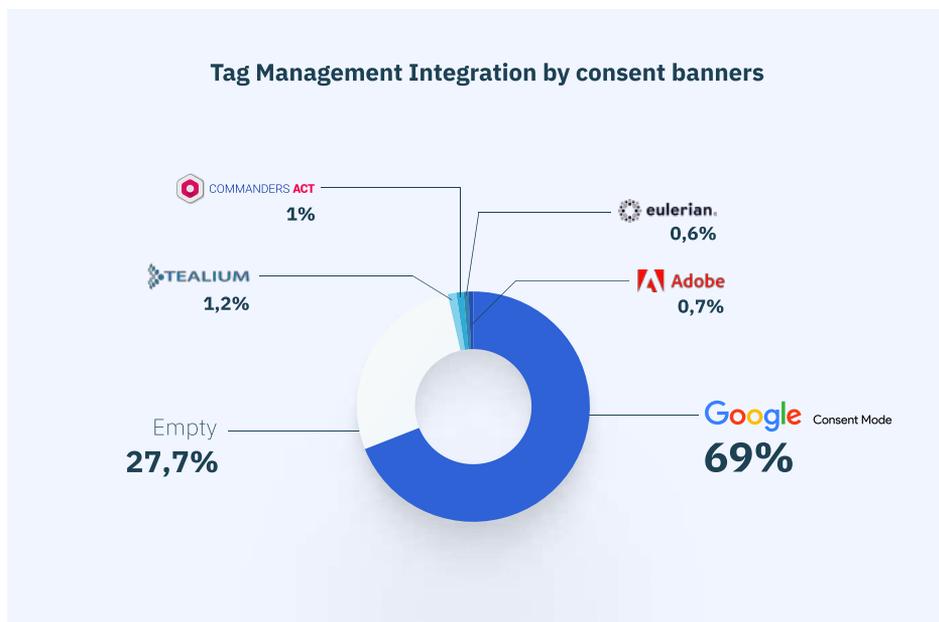# How can digital teams overcome the drawbacks of consent collection?

When users opt-out of data collection, analyzing digital activities can become challenging, and sometimes outright impossible.

Thankfully, web analytics solutions have built consentless/cookieless analytics that enable to overcome these challenges - allowing companies to maintain core analytics while respecting consumers' privacy.

In this section, we will look at two options available for organizations to deal with user opt-out: Google Consent Mode and Cookie walls.
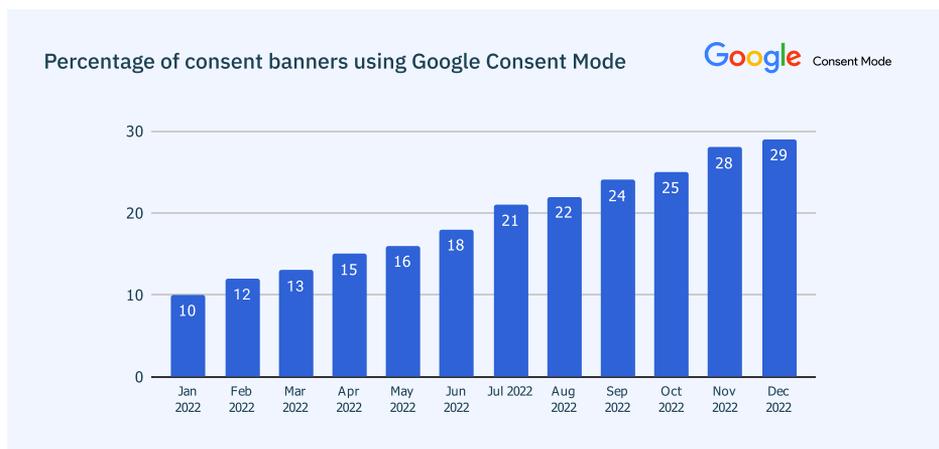
Google Consent Mode

The number of consent banners using Google Consent Mode has increased 3X in 2022, indicating a significant adoption trend for Google's solution.

Tag Management Integration by consent banners

COMMANDERS **ACT**
1%

eulerian
0,6%

TEALIUM
1,2%

Adobe
0,7%

Empty
27,7%

Google Consent Mode
69%

What is Google Consent Mode?

Google Consent Mode allows you to adjust how your Google tags behave, based on the consent status of your users.

Percentage of consent banners using Google Consent Mode

Google Consent Mode

Month	Value
Jan 2022	10
Feb 2022	12
Mar 2022	13
Apr 2022	15
May 2022	16
Jun 2022	18
Jul 2022	21
Aug 2022	22
Sep 2022	24
Oct 2022	25
Nov 2022	28
Dec 2022	29

➔ **Explore our integration with Google Consent Mode [here](#).**

Cookie walls

Digital media pureplayers are the first impacted, business-wise, by consent collection. In order to educate their users about the stakes of opt-in collection and to maintain access to free information, some of these organizations have started to implement cookie walls.

You have chosen to refuse cookies, in particular those used to measure audiences, personalize advertisements and/or editorial content and to measure performance.

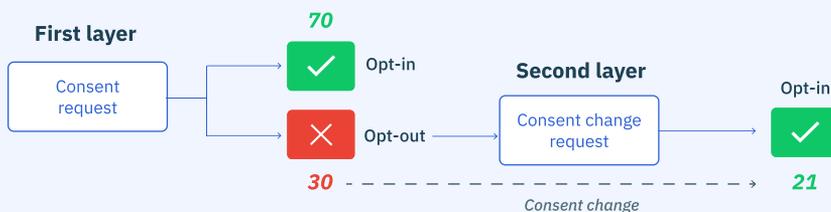**Subscribe for a month**   **Change my mind and accept all cookies**

What is a cookie wall?

A cookie wall is a mechanism used primarily by publishers, allowing them to **block access to certain content or services on their website or app if the user has not given their consent for cookies.**

Our partners [Poool](#) and [Qiota](#) are integrated within our Consent Management Platform.

How does a cookie-wall work?

Example:

First layer

70

✓ Opt-in

Second layer

Opt-in

Consent request

✗ Opt-out

Consent change request

✓

30 – – – – – – – – – – – – – – – – – – →   **21**

Consent change

Final results after the second layer is pushed: ✓ *91 Opt-ins*   ✗ *9 Opt-outs*

In this example: 70 visitors gave their consent (opt-in) and 30 denied consent (opt-out) on the first consent choice request. The consent change request layer is then pushed to the visitors that have opted-out.

When presented with this second layer, 21 visitors change their opt-out to an opt-in (change rate: 73%).

Thanks to the cookie wall, the consent rate in this example has increased by 30% - from 70% on the first layer to 91% on the second layer.

Results of cookie wall impact

Opt-outs changed to opt-ins

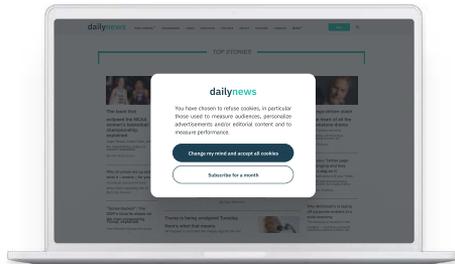**65% to 75%**

Consent Rate increase

From +10% to +35%

Based on our data, cookie-walls will improve performance in comparison to a standard opt-out option (button) banner. Performance can vary according to the cookie wall implementation and the original banner performance.

Cookie wall format

When it comes to the most effective format for cookie walls, using a pop-up format that blocks the navigation brings more additional opt-ins than a footer format that is constraining but not blocking the navigation.
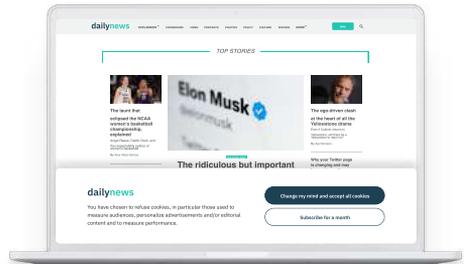
Layer 2 of the banner - Pop-up

Consent rate uplift

+35%

Layer 2 of the banner - Footer

Consent rate uplift

+10%

Conclusion: What is the state of consent in 2023?

As regulations continue to evolve and new requirements and best practices are continuously introduced, providing clear-cut, direct instructions regarding how to collect consent can be challenging.

We observed throughout this whitepaper that consent rates tend to vary from one country to another, a phenomenon that can be attributed to a number of factors: Consumer culture, applicable regulations, influence of local DPA... Although we've seen that some consent notice formats tend to perform better overall, it's important to be aware of these specificities, and to offer an inclusive privacy experience to all your customers.

Here are some takeaways and best practices we can extract from the data presented in this whitepaper and from our experience at Didomi:

Trust: One of our key values at Didomi, trust will be the foundation for you to successfully collect consent from your users. Establishing trust comes from transparently communicating the purposes of data collection with them, as well as a transparent display of the vendors you share that data with.

Expertise: Are you aware of the applicable data privacy laws and regulations for you and your customers? Establishing a network of partners and trusting relationships is important to make sure you comply with these regulations and are ready for a potential audit. Didomi is a key data privacy partner for businesses around the world.

Preferences: Give your customers control over their data. Going one step further than consent collection, providing them with the ability to communicate their own preferences will be key in building a relationship based on trust, and being able to create truly personalized user experiences.

To discuss your consent collection, privacy, and compliance challenges, reach out to our team for a quick chat with one of our experts!

Book a call now

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