

Abstract der fertigen Arbeit

The aim of this thesis is to provide a clearer picture on existing research on utilisation and legal aspects of user tracking methods.

Information is gathered from a number of fragmented research areas on the state-of-the-art in web and mobile tracking. This thesis clearly shows that Austrian enterprises employ a wide range of user tracking methods for business purposes. The conducted survey as well as the employed web scraping reveals, among others, the utilisation of first- and third-party cookies, other DOM storage methods, tracking via JS files and fingerprinting methods. It also shows that a significant number of user tracking is done through tools provided by third parties, especially major U.S. online platforms, like Google and Facebook. The performed legal analysis reveals that many of the tracking methods in question are already regulated by Austrian or EU law. However, this thesis also finds that many companies do not yet apply all of the regulations to their full extent.

This thesis also provides clear evidence that the Austrian transposition of Article 5(3) of the Directive on privacy and electronic communications reduces its applicability to several user tracking methods and that therefore Austrian enterprises are held to a laxer set of rules than other European companies. In addition, it shows that third parties in some cases give false information to the respective first parties and do not allow for a proper risk assessment. This hinders the lawful utilisation of such tools significantly.