

**TEMPLATE RELATING TO THE AUDITED DESCRIPTION OF CONSUMER  
PROFILING TECHNIQUES PURSUANT TO ARTICLE 15 OF REGULATION (EU)  
2022/1925 (Digital Markets Act)**

**Date of last update: 12 December 2023**

**The Commission may regularly update this template to identify further information which gatekeepers should provide or to set out further details on the auditing procedures. Gatekeepers should therefore refer to the latest version of this template available on the Commission's website for the Digital Markets Act.<sup>1</sup>**

**If the gatekeeper has previously submitted a Profiling Report, it shall highlight the differences in the latest version of the Profiling Report and of the non-confidential summary compared to the previous versions (e.g., by submitting a redline version in addition to a clean version). For avoidance of doubt, this extends to the relevant annexes to the Profiling Report submitted by the gatekeepers.**

**The Profiling Report (including annexes), the non-confidential summary thereof and any underlying data should be provided in a machine-readable format, i.e., with searchable and recognisable text.**

## **INTRODUCTION**

Pursuant to Article 15(1) of Regulation (EU) 2022/1925,<sup>2</sup> within 6 months after a gatekeeper's designation pursuant to Article 3 of that Regulation, the gatekeeper shall submit to the Commission an independently audited description of any techniques for profiling of consumers that the gatekeeper applies to or across its core platform services listed in the designation decision pursuant to Article 3(9) of Regulation (EU) 2022/1925. The audited description shall be reviewed and updated at least on an annual basis by the gatekeeper and auditor(s)/auditing organisation(s), in accordance with Article 15(3) of Regulation (EU) 2022/1925.

This template specifies: (i) information on the identity and contact points of the gatekeeper (*section 1*); (ii) the minimum information that the Commission expects gatekeepers to provide to the Commission with the aim of meeting the objectives set out in recital 72 of Regulation (EU) 2022/1925, including enhancing transparency and accountability regarding gatekeeper's profiling techniques as well as facilitating fairness and contestability of respective core platform services (*section 2*); (iii) general information on the auditors/auditing organisation (*section 3*); (iv) information on the audit procedures (*section 4*); (v) information on the auditor's assessment as to whether, with a reasonable level of assurance, the description is complete and accurate (*section 5*); and (vi) information on the public overview of the audited description (*section 6*).

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<sup>1</sup> Accessible here: [https://digital-markets-act.ec.europa.eu/legislation\\_en](https://digital-markets-act.ec.europa.eu/legislation_en)

<sup>2</sup> Regulation (EU) 2022/1925 of the European Parliament and of the Council of 14 September 2022 on contestable and fair markets in the digital sector and amending Directives (EU) 2019/1937 and (EU) 2020/1828 (Digital Markets Act) (Text with EEA relevance), OJ L 265, 12.10.2022, p. 1

## SECTION 1

### General information on the gatekeeper

1. Please provide the name and registered address of the undertaking submitting the present report.
2. Please provide the name(s), function(s), and contact details of the person(s) within the gatekeeper's organisation who is or are responsible for preparing and submitting the independently audited description of applied consumer profiling techniques.

## SECTION 2

### Information about the profiling techniques of consumers

**Information in this Section should be provided in separate and standalone annexes for each core platform service for which the undertaking has been designated as a gatekeeper pursuant to Article 3 of Regulation (EU) 2022/1925.**

- 2.1. For each core platform service listed in the designation decision based on Article 3(4) or Article 3(8) of Regulation (EU) 2022/1925, provide a detailed description of all the consumer profiling techniques applied within the core platform service and across multiple core platform services including, at least, information about:
  - a) the specific purpose(s) pursued by each profiling technique(s);
  - b) a description of each category of personal data and data derived from user activity (in particular, distinguish data and personal data categories actively provided by consumers<sup>3</sup> from observed data<sup>4</sup>) and sources (e.g., first or third party service) for each of these categories of data and a description of personal data processed for profiling consumers applied to or across the designated core platform services (in particular, distinguish data and personal data originating from each of the gatekeeper's services);
  - c) a description of each category of personal data and data originating from third parties (in particular, distinguishing data and personal data originating from third parties, such as advertisers, publishers, developers, or others) and/or derived from user activity on third parties' services (in particular, distinguishing data and personal data categories actively provided by consumers from observed data and inferred data originating from third parties);

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<sup>3</sup> For example, profile information (e.g. age, sex, location and other) provided by consumers through any core platform service, or provided through any other service of gatekeeper, when this data is combined or cross-used with that of a core platform service.

<sup>4</sup> Observed data are understood as data provided by the consumer by virtue of using a service or device. For example, data related to, or derived from, the activity of the consumer on the gatekeeper's core platform services or other services (e.g. the content that a user has consulted, shared, or liked) as well as data related to, or derived from, the use of devices on which the gatekeepers' core platform services or services are provided (e.g. GPS location).

- d) a detailed description of the inferred data<sup>5</sup> about consumers derived from the processing of the data and personal data listed in point (b) and/or (c) as well as an explanation of how such derived or inferred data were created;
- e) the retention duration of each category of data and personal data listed in points (b), (c), and (d), or duration of retention of the profile itself;
- f) the legal ground relied on by the gatekeeper under Article 6(1) and, where applicable, Article 9(2) of Regulation (EU) 2016/679. The reporting under the present point should distinguish the legal ground relied on under Regulation (EU) 2016/679 for the processing of personal data collected directly by the gatekeeper from the legal ground relied on for the processing of personal data originating from third parties;
- g) whether consent is required under Article 5(2) of Regulation (EU) 2022/1925 for the processing of data and personal data listed in points (b), (c) and (d) for each purpose of profiling consumers. The reporting under the present point should distinguish between consent under points (a) to (d) of Article 5(2) of Regulation (EU) 2022/1925. In addition, if consent is not required, the reporting under the present point should provide an explanation;
- h) where consumer consent is required for the given purpose and obtained by the gatekeeper under Regulation (EU) 2016/679, Directive 2002/58/EC and/or Regulation (EU) 2022/1925, a description of any steps taken to seek such consent to profiling, including visual representations (click-by-click) on how consumers can refuse or withdraw consent, any consequences of such refusal or withdrawal, and how any such consequences are notified to the consumer;<sup>6</sup>
- i) where consumer consent is required for the given purpose and obtained by third parties (e.g., as required under Article 5(2)(a) of Regulation (EU) 2022/1925), a description of any steps taken to seek consent to the sharing of personal data with the gatekeeper for the purpose of profiling, including visual representations (click-by-click) on how consumers can refuse or withdraw consent, and how the gatekeeper ensures respect of consumer's consent refusal or withdrawal;<sup>7</sup>
- j) whether automated decision-making takes place on the basis of an applied profiling technique, the number and object of such automated decisions, the legal effects and other similarly significant effects<sup>8</sup> that the automated decision-making mechanism is producing or may produce, and a description of the algorithms underpinning the automated decision mechanism;
- k) qualitative and quantitative impact or importance of the profiling techniques in question for the services and business operations of the gatekeeper. Under this point, please also include information on the number of end users exposed to each

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<sup>5</sup> Inferred data are understood as data derived by the gatekeeper from the processing of observed data or data actively provided by the consumer. For example, consumers' interests or socio-economic status. Further guidance on the distinction between provided data, observed data and inferred data, can be found in the European Data Protection Board's [Guidelines on the targeting of social media users](#).

<sup>6</sup> It should be clear from the description what measures (e.g. in design) the gatekeeper takes to guarantee a neutral presentation of choices to the end user, and the level of facility or ease (e.g. how many clicks) for an end user to refuse or change their consent. The consequences of such refusal or withdrawal should also be clear from the description.

<sup>7</sup> The gatekeeper should refer to a consent framework to which it adheres.

<sup>8</sup> A decision produces legal effects when the subject's legal rights are impacted. This could include, for example, any resulting effect on their right to vote, their ability to take out a loan, and their position in e-recruitment.

profiling technique per year, and the number of business users using the gatekeeper's services based on profiling per year, within the core platform service and, where relevant, across multiple core platform services;

- l) actions taken to effectively enable consumers to be aware that they are undergoing profiling and the relevant use of such profiling;
- m) statistics on how many consumers choose to undergo profiling and how many refuse it, if such choice is given;
- n) whether and when the profiling technique has been the subject of a data protection impact assessment<sup>9</sup> and the main conclusions thereof;
- o) any alternative measures to profiling that have been considered and the reasons for not choosing them.<sup>10</sup>

## **SECTION 3**

### **General information on the auditors**

- 3.1. Please provide the name of the auditor(s) or auditing organisation(s) which independently verified and audited the description submitted to the Commission by the gatekeeper, along with the name(s) and contact details of the overall responsible person(s) for submitting the audit conclusions. In addition, please provide:
  - a) the personal names and auditing organisation affiliations of all members of the auditing team;
  - b) an overview of the professional qualifications, certifications, and domains of expertise of the audit team as a whole;
  - c) declarations of interests by each auditor(s) or auditing organisation which independently contributed to the preparation of the submitted description or independent audit and audit conclusions thereof, specifying in particular any relationship (including commercial or contractual) to the audited gatekeeper.
- 3.2. If applicable, please provide the names of any third parties consulted by the auditor(s) or auditing organisation(s) and their contact points.
- 3.3. If there was, at any time, a change in appointed auditor(s) or auditing organisation, please provide the names and contact information for all previously appointed auditor(s) or auditing organisations.

## **SECTION 4**

### **Information about the audit procedures**

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<sup>9</sup> A data controller must carry out a data protection impact assessment under Article 35 of Regulation (EU) 2016/679 in certain circumstances that may also involve profiling.

<sup>10</sup> Asking for alternatives to profiling allows an assessment of whether gatekeepers have considered less intrusive measures and is particularly informative in terms of accountability.

- 4.1. Please provide a description of the audit procedures independently performed by the auditor(s) or auditing organisation(s), the methodologies used to perform the audit (including, where applicable, a justification for the choice of standards, benchmarks, sample size(s) and sampling method(s)). In particular, please provide references to any internationally recognised standards adhered to by the auditor(s) or auditing organisation(s) with respect to, among any other aspects:
- a) the audit team's independence;
  - b) the methodology or processes applied to carry out the audit; and
  - c) any quality management standards for the audit.
- 4.2 Please provide an overview and description of information relied upon as audit evidence, including, as applicable:
- a) a description of the type and source of audited information;
  - b) the observed period(s) which is subject to the audit into profiling techniques. (N.B: For the first audited description due six months after designation, the observed period should be the 'point in time' two months prior submission of that first audited description);
  - c) the period(s) when the audit was conducted;
  - d) any other relevant information.
- 4.3 Please provide a detailed description of any data sources of potential relevance to information required under Section 2 that were not included in the scope of the audit, in particular:
- a) detailed reasons for non-inclusion;
  - b) details on any steps taken to mitigate the consequences of non-inclusion of such data on the completeness and accuracy of information provided in Section 2 as well as audit conclusions and recommendations.
- 4.4 Please elaborate on any circumstances that could have prevented the audit organisation from performing with a reasonable level of assurance the audit of one or more of the techniques applied for the profiling of consumers.

## **SECTION 5**

### **Audit conclusions**

- 5.1 Please provide the assessment of the auditor(s) or auditing organisation(s) as to whether, with a reasonable level of assurance, the information provided by the gatekeeper in the description is complete and accurate, in view of the information requirements laid down in Section 2 of this template. In particular, the auditor(s) or auditing organisation(s) should provide:
- a) an assessment of "positive", "positive with comments", or "negative", as to whether the description provided is based on sufficient and appropriate evidence provided by the gatekeeper; and

- b) detailed justifications for the assessment in paragraph (a) and any comments concerning potential misstatements, omissions, misrepresentations, or errors that may have a material effect on the completeness or accuracy of the information required in Section 2.

## SECTION 6

### Non-confidential overview

- 6.1. Please provide the text, or a reference to the publication, of a detailed, clear, and comprehensive non-confidential overview of the audited description of each profiling technique of consumers applied to or across core platform services listed in the designation decision. The non-confidential overview should enable third parties to obtain an adequate understanding of those profiling techniques and, consequently, to provide meaningful input on them to the Commission. To this end, the overview should constitute a fair representation of the description, while allowing the gatekeeper, where appropriate, to summarise and omit information from the description, including in order to protect business secrets or information that is otherwise confidential. The gatekeeper is required to make this non-confidential overview publicly available in line with the requirements in Article 15(3) of Regulation (EU) 2022/1925.<sup>11</sup>
- 6.2 The public, non-confidential overview referred to in Section 6.1 shall be updated at least annually, in line with – and to reflect - the update of the information provided under Sections 1 and 2.

## SECTION 7

### Declaration

The submission should conclude with the following declaration, which is to be signed by or on behalf of the gatekeeper:

*‘[insert the name of the company] declares that, to the best of its knowledge and belief, the information given in this submission is true, correct, and complete, that all estimates are identified as such and are its best estimates of the underlying facts, and that all the opinions expressed are sincere.’*

For digitally signed forms, the following fields are for information purposes only. They should correspond to the metadata of the corresponding electronic signature(s).

Date:

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<sup>11</sup> For further guidance on the type of information which can be considered as “business secrets and other confidential information” that the gatekeepers can take into account, please refer to the Commission’s guidance in relation to antitrust and mergers procedures: [https://ec.europa.eu/competition-policy/document/download/ea2cbf27-412c-4394-b872-dd4b4e3a840b\\_en](https://ec.europa.eu/competition-policy/document/download/ea2cbf27-412c-4394-b872-dd4b4e3a840b_en); [https://competition-policy.ec.europa.eu/system/files/2021-03/guidance\\_on\\_preparation\\_of\\_public\\_versions\\_mergers\\_26052015.pdf](https://competition-policy.ec.europa.eu/system/files/2021-03/guidance_on_preparation_of_public_versions_mergers_26052015.pdf).

[signatory 1]

Name:

Organisation:

Position:

Address:

Phone number:

E-mail:

["e-signed" / signature]