
Coursera

PersonalData.IO <getmy@personaldata.io>
Reply-To: "PersonalData.IO" <getmy@personaldata.io>
To: "AFerrari@mofo.com" <AFerrari@mofo.com>
Cc: "paulolivier@gmail.com" <paulolivier@gmail.com>

Sat, Aug 6, 2016 at 2:35 AM

Dear Ms Ferrari,

This is a reply, on behalf of Paul-Olivier Dehaye, to your letter to him dated 2016-07-25.

We appreciate the irony of simultaneously informing Dr Dehaye that your firm represents Coursera, and informing him of your decision that "[r]ather than respond substantively to personaldata.io, Coursera responds to [Dehaye] directly". We ask for Dr Dehaye's choice of a representative to be respected in this matter, just as we respect Coursera's choice of Morrison & Foerster and yourself as representatives.

The original request for personal data associated to the cookie for the domain "[.coursera.org](http://coursera.org)" with key "_ga" and value "GA1.2.2143385636.1465682131" was made with dual legal basis of the EU-US Safe Harbor and Swiss-US Safe Harbor commitments by Coursera to its users, as Dr Dehaye has used Coursera from multiple EU countries and Switzerland. This should not be relevant at this stage, but might eventually be if access is refused to Dr Dehaye and the Safe Harbor process needs to be escalated.

Your letter claims that this cookie was placed by Google Analytics. Our technical understanding indicates that this is not the case, as the cookie is a first-party cookie, set by Coursera domains.

We now get to the substance of your response. You state: "Coursera did not receive any personal data associated with you as a result of the placement of this cookie."

We need not and have not made such claim. We simply claim that this Google Analytics identifier is itself personal data (because, for instance, it is or can be tied to his user account) and that therefore any data tied to this identifier is itself personal data.

You add "Moreover, the information provided to Coursera by Google Analytics in connection with its analytics services is in a summary form that is not associated with any identifiable individual."

We do not dispute this claim, but it is irrelevant to Dr Dehaye's request. We simply claim that all the personal data referred to above, i.e. all data tied to that identifier, is subject to the Safe Harbor Access principle, even if that data is held by Google (Analytics). Indeed, under the Safe Harbor "Onward transfer" principle, the responsibility of access to data still lies with the data controller (Coursera) even if the data is held by the processor (Google). It should not be important to the data subject what kind of access Google Analytics provides to Coursera. Indeed, under Safe Harbor, it is the data controller's responsibility (i.e. Coursera's) to make sure their processor (here, Google) provides enough guarantees for the controller to fulfil its obligations when deciding to contract with them.

Sincerely,

PersonalData.IO
[Quoted text hidden]