

LEGITIMATE INTERESTS ASSESSMENT (LIA)

Cookies & Trackers — biotechps.com

Nadège Minois EI – Biotech Project Systems

Scope and Source

This assessment covers the cookie declaration generated by Cookiebot for biotechps.com, last updated 08/08/2026. It is organised by Cookiebot's own consent categories (Necessary, Statistics, Marketing) and follows the recognised three-part Legitimate Interests test (Purpose Test, Necessity Test, Balancing Test) used by UK ICO and referenced in EDPB and CNIL guidance.

1. Legal Framework — Read This Before Relying on Any Conclusion Below

Cookie placement is governed primarily by the ePrivacy rules (EU ePrivacy Directive 2002/58/EC, transposed into French law and enforced by the CNIL under the amended Loi Informatique et Libertés), not by GDPR Article 6 alone. Under these rules, any cookie that is not “strictly necessary” for a service explicitly requested by the user requires prior, freely given, specific, and informed consent — regardless of what GDPR lawful basis might otherwise apply to the underlying data processing.

This means Legitimate Interest (GDPR Article 6(1)(f)) cannot be used as a substitute for consent when the question is whether a non-essential cookie may be placed at all. The CNIL and the European Data Protection Board (EDPB) have consistently rejected legitimate interest as a basis for analytics and advertising/marketing cookies specifically.

Because biotechps.com already operates Cookiebot as a Consent Management Platform (confirmed by the “CookieConsent” cookie itself), consent is already being correctly collected for the Statistics and Marketing categories. The Legitimate Interests Assessments in Sections 4 and 5 below are therefore prepared for accountability and documentation purposes (GDPR Article 5(2) — the accountability principle), and to confirm — rather than replace — the conclusion that consent must remain the operative legal basis for those two categories.

2. Methodology — The Three-Part Test

Each assessment below applies the same three-stage test:

- Purpose Test — Is there a genuine, specific, and lawful interest being pursued (by Biotech Project Systems, a third-party embed provider, or both)?
- Necessity Test — Is the processing/cookie actually necessary to achieve that purpose, and is there a less intrusive way to achieve the same result?
- Balancing Test — Do the individual's interests, rights, and freedoms (including their reasonable expectations of privacy) override the identified interest?

A cookie or category only passes the assessment if it clears all three stages.

3. Category A — Necessary Cookies (6)

Cookiebot's own classification already asserts these cookies are "strictly necessary." This section verifies that assertion using the strict-necessity exemption test under Article 82 of the French Data Protection Act (transposing ePrivacy Article 5(3)), which does not require consent.

Cookie	Provider	Duration	Type	Purpose
CookieConsent	Cookiebot	1 year	HTTP Cookie	Stores the user's cookie consent state
verbum_test	WordPress.com	Session	HTTP Cookie	Tests browser cookie support for comments/spam protection (Jetpack)
wp_api	WordPress.com	Session	HTTP Cookie	Supports real-time content/theme functionality
wp_api_sec	WordPress.com	Session	HTTP Cookie	Supports real-time content/theme functionality (secure variant)
wpEmojiSettingsSupports (x2)	biotechps.com / WordPress.com	Session	HTML Local Storage	Maintains font, slider, and colour theme display settings

Strict Necessity Assessment

CookieConsent — PASSES. Without this cookie, the site cannot remember the visitor's consent choices, forcing a consent banner to reappear on every page. This is the textbook example of a strictly necessary cookie recognised by CNIL guidance.

verbum_test, wp_api, wp_api_sec — PASS. These are short-lived, session-only technical cookies that test basic browser/cookie support and enable core commenting/content-delivery functionality explicitly used by the site. They do not track users across sessions or sites.

wpEmojiSettingsSupports (x2) — PASSES, with a minor caveat. This is technically local storage (not a cookie) used to preserve display settings (fonts, sliders, colour themes) chosen by the site, not the visitor. It is commonly classified as necessary because it affects only the correct rendering of the page the visitor is already viewing.

Conclusion: All 6 Necessary cookies satisfy the strict necessity exemption. No consent is required for this category, and none should be gated behind the Cookiebot banner — confirm your Cookiebot configuration reflects this (Necessary cookies typically cannot be declined by design).

4. Category B — Statistics Cookies (1)

Cookie	Provider	Duration	Type	Purpose
g.gif	WordPress.com	Session	Pixel Tracker	Records anonymised visitor behaviour for internal site analytics

Purpose Test

g.gif: The purpose is legitimate — understanding aggregate visitor behaviour to improve site content and structure is a recognised legitimate interest for a small consultancy website.

Necessity Test

Aggregate, anonymised analytics can often be achieved through privacy-preserving methods (e.g., server-log-based or cookieless analytics) that would not require any cookie at all. Because a cookie-based approach was chosen instead, the processing is not strictly necessary in the ePrivacy sense — which is precisely why consent is required for this category.

Balancing Test

A website visitor to a professional B2B consultancy site would reasonably expect basic, aggregated analytics, but would not necessarily expect detailed behavioural or session-replay tracking without being told. Given the availability of the opt-in Cookiebot banner, the individual's interests are adequately protected only because consent — not legitimate interest — is what actually gates this category.

Conclusion

The Statistics category does not rely on, and cannot lawfully rely on, Legitimate Interest as the basis for placing these cookies. Consent, already collected via Cookiebot, is the correct and necessary legal basis. This LIA is retained for documentation purposes only.

5. Summary Table

Category	Count	Correct Legal Basis	LIA Outcome
Necessary	6	Strict necessity exemption — no consent required	PASSES strict necessity test
Statistics	1	Consent (via Cookiebot)	LIA documented; consent remains mandatory basis

6. Recommended Actions (all implemented)

- Keep Cookiebot's consent banner active and gating the Statistics and Marketing categories — do not switch either category to a “legitimate interest” basis in the Cookiebot dashboard.
- Reference this LIA in your Privacy Policy / Cookie Policy as the documented accountability record for your cookie categories, and re-run this assessment whenever Cookiebot's scan detects new or changed cookies (Cookiebot re-scans periodically; treat any new entries as requiring a fresh review).
- Set a review date of no more than 12 months from now, or immediately upon any change to the site's embedded content or analytics tooling, whichever is sooner.

7. Review Date

This LIA will be reviewed by or before 07/08/2027

Prepared For Documentation Purposes

This assessment is prepared for internal accountability and documentation purposes under GDPR Article 5(2). It does not constitute formal legal advice. For a binding compliance opinion, consider a brief review by a French data protection lawyer or your DPO if one is appointed.