

## Submission by „Facebook Ireland Ltd“ to the Office of the Irish Data Protection Commissioner

### Response to Complaint(s) Number: 15

The following submission by “Facebook Ireland Ltd” is a response to complaints filed by “europe-v-facebook.org” before the Irish Data Protection Commissioner as amended by our “request for a formal decision”. It was received by “europe-v-facebook.org” on September 30<sup>th</sup> 2013.

The submission starting on page 2 of this PDC does only reflect the view of “Facebook Ireland Ltd” and was not changed or amended. The submissions were likely drafted by Facebook Ireland’s law firm “Mason, Hayes & Curran”. We did not receive any additional documents from “Facebook Ireland Ltd”. All other documents of this procedure can be downloaded on “europe-v-facebook.org”.

**After we took a first look at the submissions by “Facebook Ireland Ltd” we want to mention the following points, to ensure that any reader will get the full picture of the procedure:**

1. In the submissions Facebook Ireland Ltd does in many cases **not responded to our complaints**, but produced arguments and submissions that are irrelevant to the complaints filed. It seems that Facebook Ireland Ltd is trying to “bypass” the arguments we entertained.
  2. In the submissions Facebook Ireland Ltd does in many cases **summarize our complaints** in a way that does not reflect the content of our complaints. We do not know why Facebook Ireland Ltd has chosen this approach other than again “bypassing” the core of the complaints.
  3. In the submission Facebook Ireland Ltd does not respond to the **legal arguments** that were submitted by us, but only focus on facts. The law is not cited in any of the submissions.
  4. In the past 2 years Facebook Ireland Ltd has changed many functions. In the submissions Facebook Ireland Ltd does in many cases **mix the factual situation** throughout this time period. Our complaints are usually separating facts and consequences before and after such changes.
  5. In the submission Facebook Ireland Ltd does in many cases refer to the “**audit reports**”. The basis for these reports is not public or independently verifiable. In many cases the DPC has only relied on unverified arguments by Facebook Ireland Ltd when making its assessment. Facebook Ireland Ltd is now relying on these findings, as if they were independently verifiable facts.
- **Therefore we recommend to consult our original complains, as amended by the “request for a formal decision” [[DOWNLOAD](#)] when analyzing the submissions from “Facebook Ireland Ltd”.**

## COMPLAINT 15 – EXCESSIVE PROCESSING

### 1. BACKGROUND

FB-I provides its users with effective control over their personal data and does not unnecessarily retain or process user data.

#### 1.1. Help Center

Facebook's Help Center provides users with a detailed guide to all aspects of the Facebook platform, including the control that users can exercise over their personal data and details as to how users can delete their personal data from Facebook.

#### 1.2. Data Use Policy

The types of user information which FB-I receives are clearly set out in the Data Use Policy:

*We receive a number of different types of information about you, including:*

***Your Information:***

*Your information is the information that's required when you sign up for the site, as well as the information you choose to share.*

***Registration Information:*** *When you sign up for Facebook, you are required to provide information such as your name, email address, date of birth, and gender. In some cases, you may be able to register using other information, like your telephone number.*

***Information you choose to share:*** *Your information also includes the information you choose to share on Facebook, such as when you post a status update, upload a photo, or comment on a friend's story.*

*It also includes the information you choose to share when you take an action, such as when you add a friend, like a Page or website, add a place to your story, use our contact importers, or indicate you are in a relationship.*

*Your name, profile pictures, cover photos, gender, networks, username and User ID are treated just like information you choose to make public.*

*Your birthday allows us to do things like show you age-appropriate content and advertisements.*

***Information others share about you***

*We receive information about you from friends and others, such as when they upload your contact information, post a photo of you, tag you in a photo or status update, or at a location, or add you to a group.*

*When people use Facebook, they may store and share information about you and others that they have, such as when they upload and manage their contacts and invites.*

The Data Use Policy also expressly discloses to users the purposes for which this information is processed by FB-I:

***How we use the information we receive***

*We use the information we receive about you in connection with the services and features we provide to you and other users like your friends, our partners, the advertisers that purchase ads on the site, and the developers that build the games, applications, and websites you use. For example, in addition to helping people see and find things that you do and share, we may use the information we receive about you:*

- *as part of our efforts to keep Facebook products, services and integrations safe and secure;*
- *to protect Facebook's or others' rights or property;*
- *to provide you with location features and services, like telling you and your friends when something is going on nearby*
- *to measure or understand the effectiveness of ads you and others see, including to deliver relevant ads to you;*
- *to make suggestions to you and other users on Facebook, such as: suggesting that your friend use our contact importer because you found friends using it, suggesting that another user add you as a friend because the user imported the same email address as you did, or suggesting that your friend tag you in a picture they have uploaded with you in it; and*
- *for internal operations, including troubleshooting, data analysis, testing, research and service improvement.*

*Granting us this permission not only allows us to provide Facebook as it exists today, but it also allows us to provide you with innovative features and services we develop in the future that use the information we receive about you in new ways.*

The Data Use Policy also informs users of FB-I's data retention policies:

*We store data for as long as it is necessary to provide products and services to you and others, including those described above. Typically information associated with your account will be kept until your account is deleted. For certain categories of data, we may also tell you about specific data retention practices.*

## **2. FACTUAL ASSERTIONS MADE BY THE COMPLAINANT**

The Complainant objects in a general manner both to the volume of information received by FB-I from its users, and to the use to which this information is put by FB-I. In particular, the Complainant asserts that:

- The information received by FB-I is not only hosted by FB-I but is continuously processed by FB-I.*
- FB-I uses users' information in order to show advertisements and suggest friends or aggregate information on its "news feed".*
- FB-I does not actually require all the data it hosts for the purposes relied on by FB-I.*

## **3. AUDIT PROCESS**

### **3.1. Introduction**

In its 2011 Audit Report, the DPC noted that "[t]hese are issues which require careful analysis as they are about transparency and control for the user".<sup>1</sup>

The DPC described the Complainant's objections to the purported "excessive" processing of user data by FB-I in the following manner:

*Complaint 15 – Excessive Processing*

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<sup>1</sup> Page 70 of the 2011 Audit Report

*This complaint covers issues raised in a number of other complaints. The complainant made a general point in relation to the amount of data being retained and processed by FB-I and contends that the retention of so much data is excessive and a security risk.*

*The complainant contended that users should have 'real' options in terms of deleting their own personal data (pokes, tags, etc.) which users may have removed and presumed to have been deleted but, as he alleges in his complaints, are in fact retained in the background. The complainant considered the amount of data Facebook holds and processes to be excessive.<sup>2</sup>*

The DPC noted that FB-I did not accept the Complainant's assertion that it was engaged in excessive processing:

*FB-I, inter alia, pointed to the worldwide popularity of the platform and contended that the fact that Facebook processes the data of a very large number of people does not in itself mean that that processing is excessive. Furthermore, FB-I noted that processing is excessive where it was unnecessary, not simply where it justifiably involved a large amount of personal data.<sup>3</sup>*

After reviewing FB-I's functionality with respect to deleted or removed content, and how groups operate on Facebook, the DPC noted FB-I's general position in respect of the data it receives and retains:

*FB-I's response on these complaints highlighted that it retained such information for what it termed various important purposes to provide the best possible experience to users. For example, it stated it needs to save removed pokes in order to assist in identifying instances of bullying and harassment; FB-I saves rejected friend requests so that the same user cannot continue to send friend requests; FB-I uses removed friends data to ensure that the removed friend isn't surfaced as a friend suggestion to the user; and FB-I uses removed tags to prevent the user from being re-tagged in a photo. FB-I has pointed out that this has been developed based on the comments and requests from their users. FB-I points to its Data Use Policy to demonstrate that it is transparent about the purposes for which it uses the data it receives.<sup>4</sup>*

The disparate nature of the Complainant's complaint of excessive processing was also noted by the DPC:

*This complaint needs to be considered in the context of the specific other complaints listed above [i.e. Complaint 1 Pokes, Complaint 3 Tagging, Complaint 11 Removal of Tags; Complaint 14 Removed Friends; Complaint 5 Deleted Posts].<sup>5</sup>*

The DPC noted that this complaint did not contain any further allegations over and above those made in the other, more specific complaints:

*There is no specific information provided that would lead to a conclusion generally in the context of this complaint that FB-I is engaged in excessive data processing.<sup>6</sup>*

The DPC further noted that its views on this matter were influenced by its technical assessment of FB-I's systems:

*However, more generally within this section of the Report we return to this issue based on information accessed and examined during the onsite element of the audit.<sup>7</sup>*

The DPC devoted considerable time and resources in considering the issue of user control and data retention by FB-I in the course of the audit. In consultation with the DPC, FB-I made a number of modifications to its platform after the 2011 audit which provided users with improved control and

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<sup>2</sup> Page 73 of the 2011 Audit Report

<sup>3</sup> Page 73 of the 2011 Audit Report

<sup>4</sup> Pages 71 to 72 of the 2011 Audit Report

<sup>5</sup> Page 73 of the 2011 Audit Report

<sup>6</sup> Page 73 of the 2011 Audit Report

<sup>7</sup> Pages 73 to 74 of the 2011 Audit Report

transparency over their data and with greater flexibility in relation to the different types of information they share on Facebook.

In considering the issue of FB-I's use of users' information, the DPC considered two main issues throughout the audit.

First, the DPC examined whether users were offered sufficient *control* over the data they share on Facebook.

Second, the DPC looked at the way the information received by FB-I was used and reviewed whether information was *retained* by FB-I when it was no longer required for FB-I to perform its functions.

## 3.2. User Control

### 3.2.1. 2011 Audit Report

As referred to elsewhere in these Responses, the 2011 Audit Report highlights the innovative activity log feature of the Facebook platform which was soon to be introduced and which would provide users with unparalleled control over and access to both the information they choose to share on Facebook and data that was collected as a result of the user's activity on Facebook:

*FB-I takes transparency very seriously. We believe the level of transparency we currently provide is substantially greater than any global internet service that is operating at our scale, or even at a scale an order of magnitude smaller than ours. We believe that we have innovated extraordinary new tools to help users review and understand the personal data in our possession and we are committed to continue to innovate to remain transparency leaders.*

...

*Finally, FB-I has recently announced the addition of a new transparency tool by creating a soon-to-be-launched feature called "Activity Log". The Activity Log will provide users with even more of their personal data simply by logging into their accounts.<sup>8</sup>*

In light of the new control features being developed by FB-I and its clear commitment to transparency for users of the platform, the DPC was satisfied that FB-I was cognisant of its obligations in this area:

*We are satisfied that FB-I is working actively to achieve this objective and therefore recommend that it maintains the principle of transparency outlined above. The above matters and the response of FB-I to individual requests for personal data will be kept under full review by this Office to specifically ensure that the timescales outlined for the provision of data are met. This issue will be revisited in the context of specific complaints received and the audit review to be conducted in July 2012.<sup>9</sup>*

### 3.2.2. Update Report

The Update Report detailed the continued efforts and progress made by FB-I in respect of the transparency and control of users' data received by FB-I. FB-I highlighted that users could now exercise bespoke control over the information held on their profiles:<sup>10</sup>

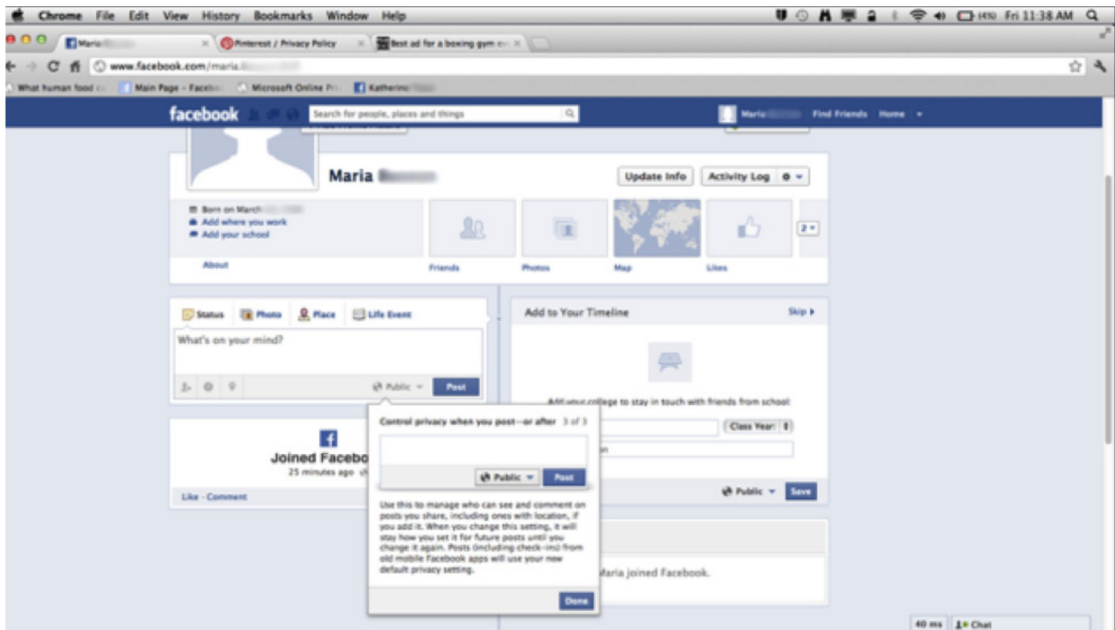
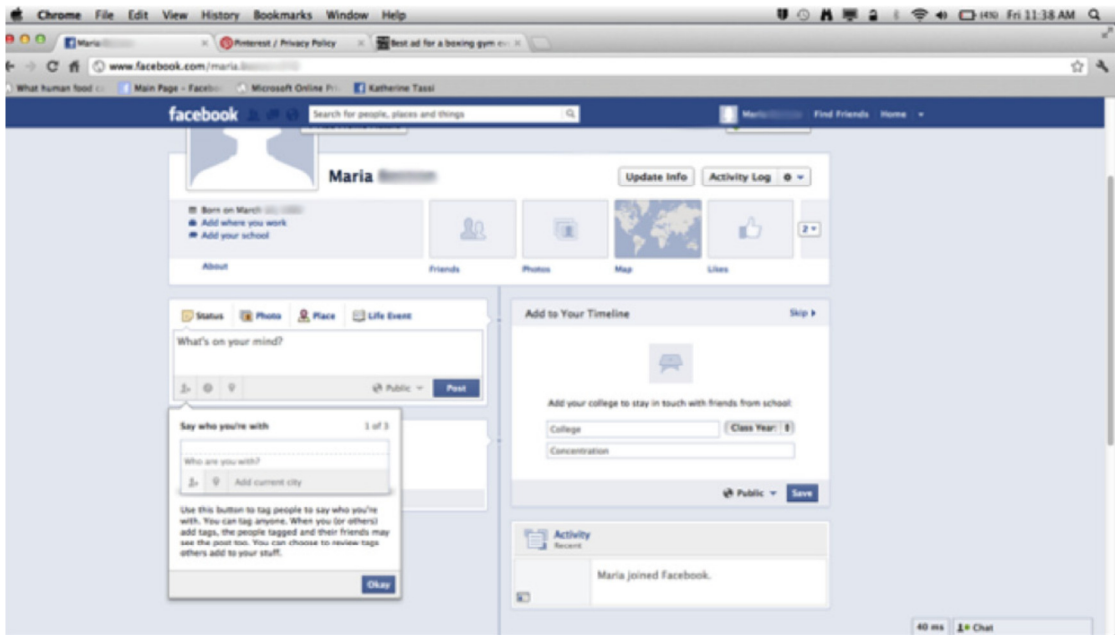
*Facebook's privacy model has increasingly moved to one of inline, contextual control. FB-I has kept a minimum of settings that are not inline, and has moved most privacy settings to be contextual, beginning with the most important ones: status updates, which may contain text, location, photos, tags of people, place, or things, and shared information, like links to articles; and profile (timeline) information. The first time a user posts a status update, the user is given a tour of the settings and features in status updates, including the icons for the visibility options of public, friends of friends, friends, only me, and custom. See screenshots below:*

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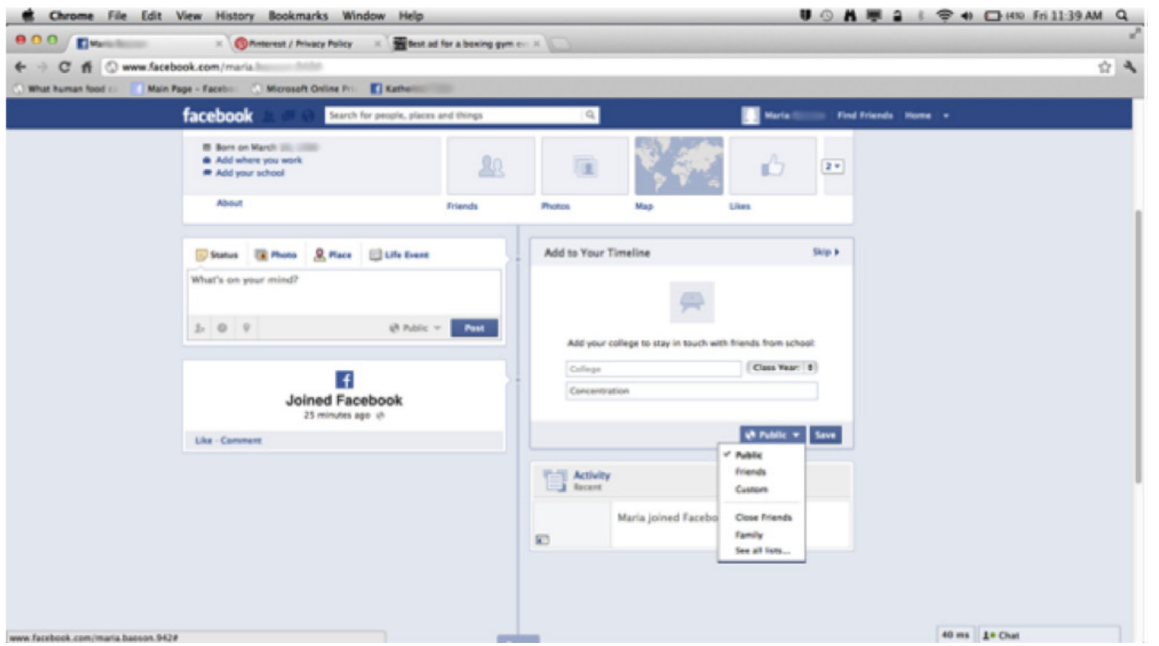
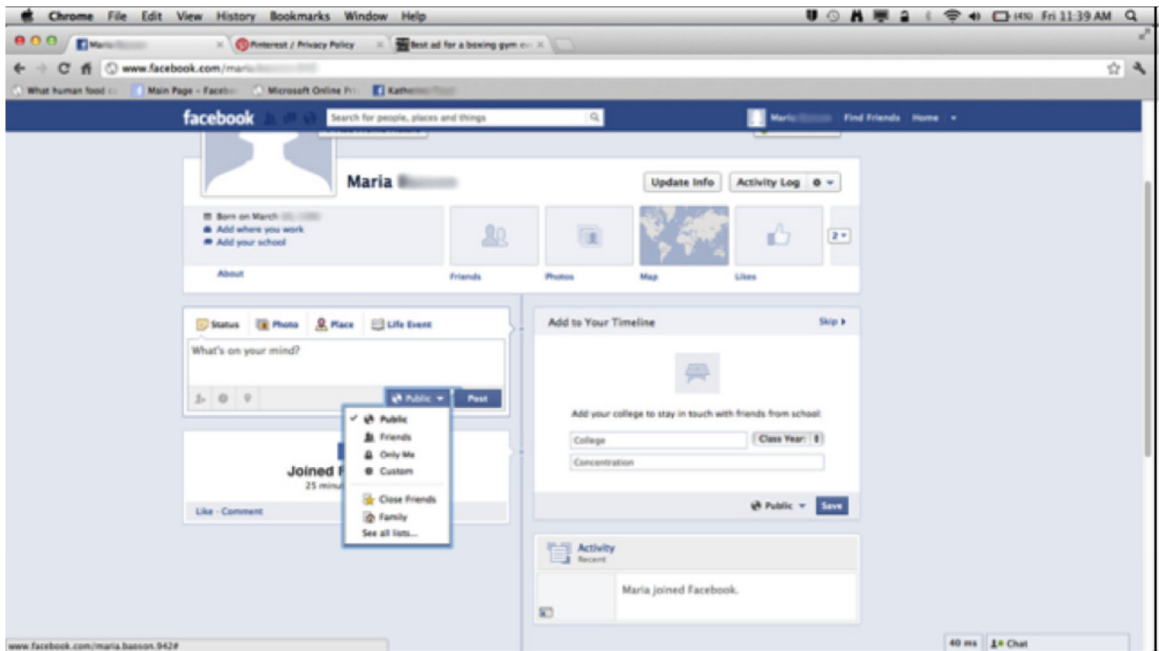
<sup>8</sup> Pages 66 to 67 of the 2011 Audit Report

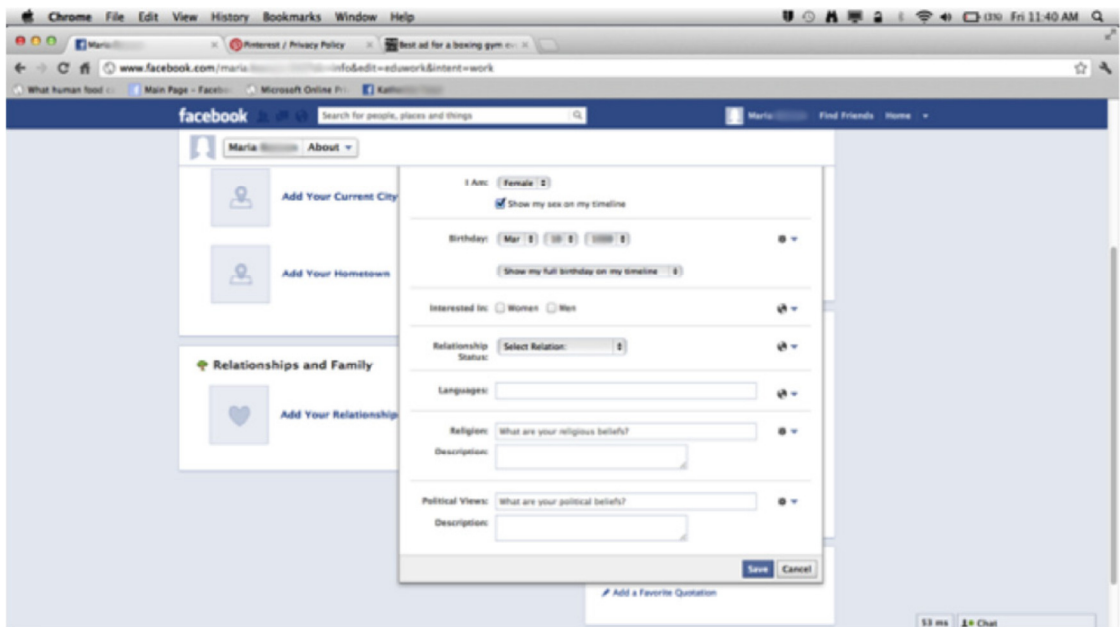
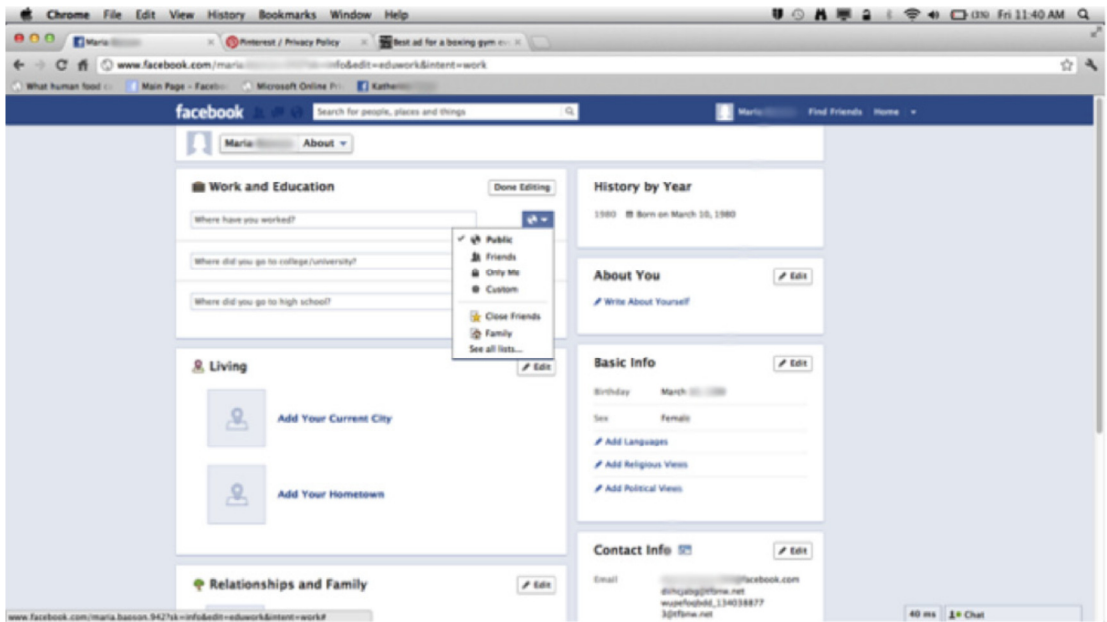
<sup>9</sup> Page 68 of the 2011 Audit Report

<sup>10</sup> Pages 11 to 16 of the Update Report



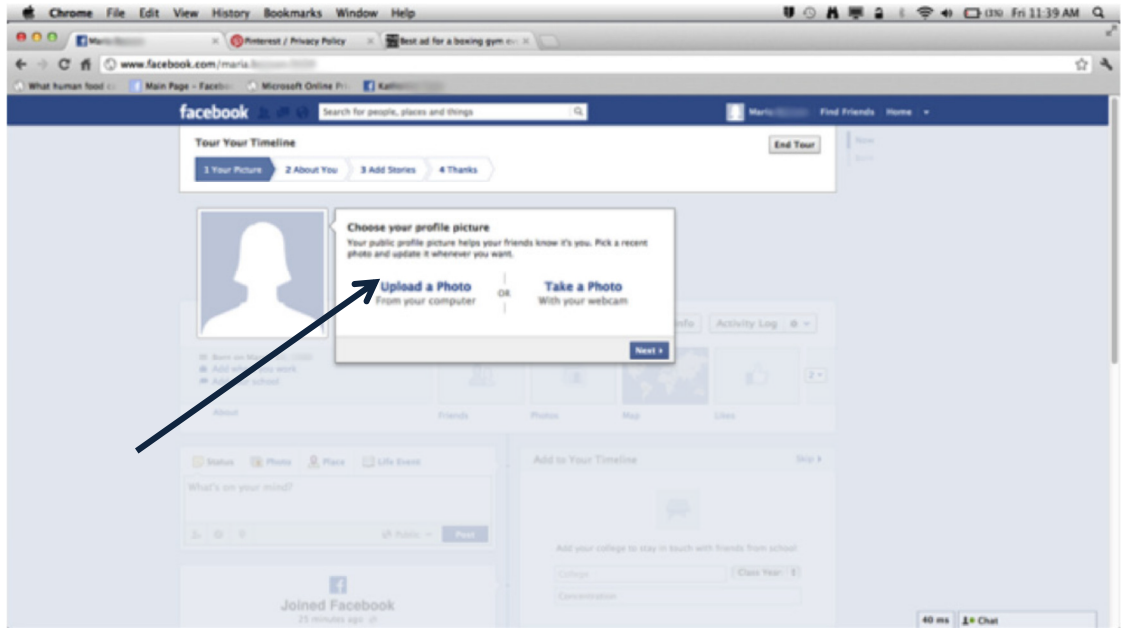
Second, FB-I added inline privacy settings for each field of information that a user can add to his or her profile. See screenshots below:



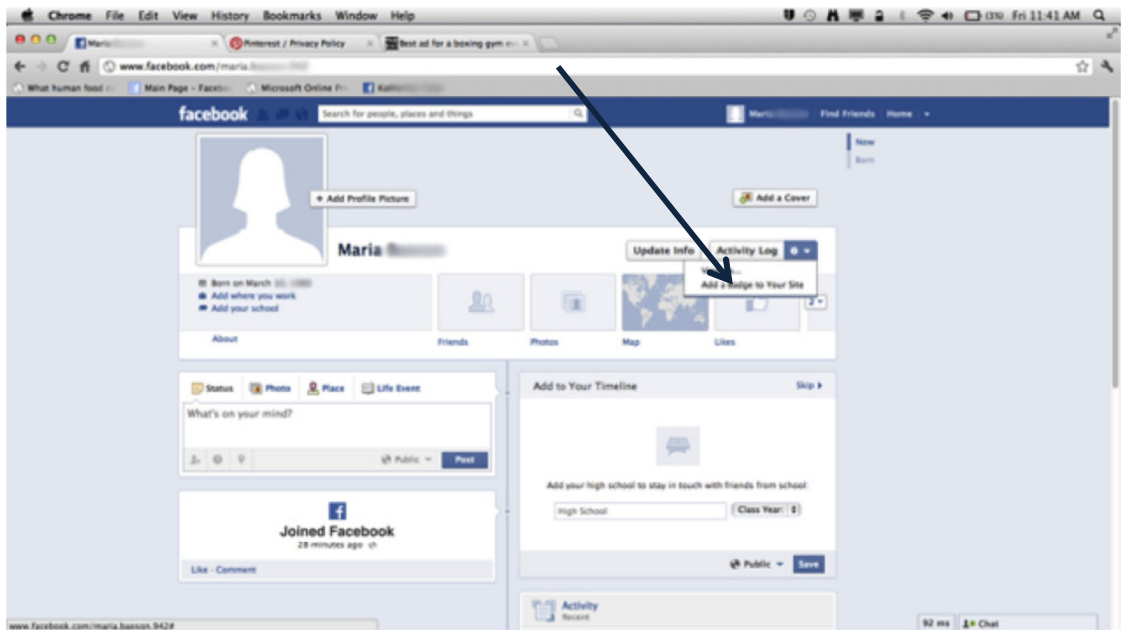


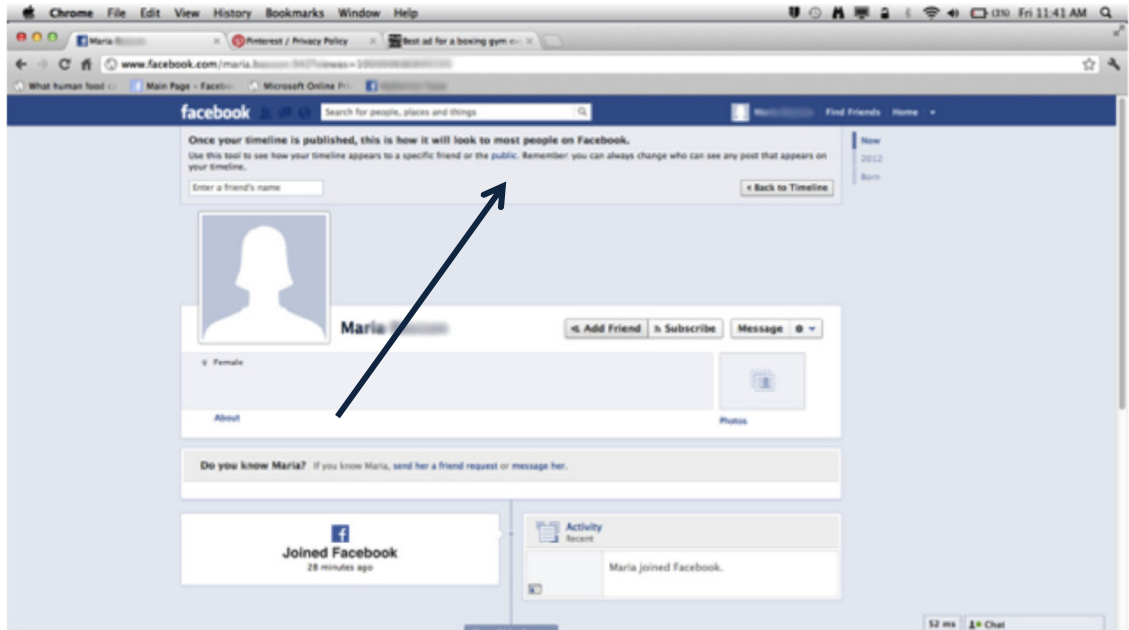
*As well, if a user has not uploaded a profile photo during the new user experience but chooses to upload one later, FB-I added another reminder that the photo will be public. See screenshot below:*





*Another feature that FB-I offers new users is the ability to preview their timeline before they publish it. By using the “view as” control, users can test whether they have set the privacy controls as they wanted by viewing their timeline as if they were a stranger, or a specific friend. See screenshots below:*

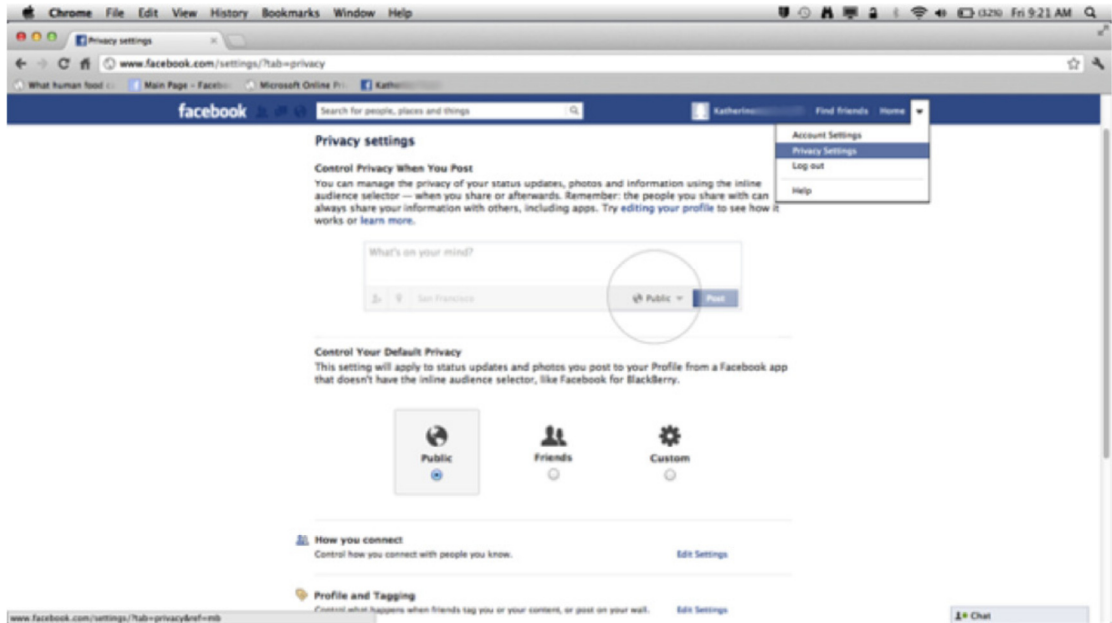




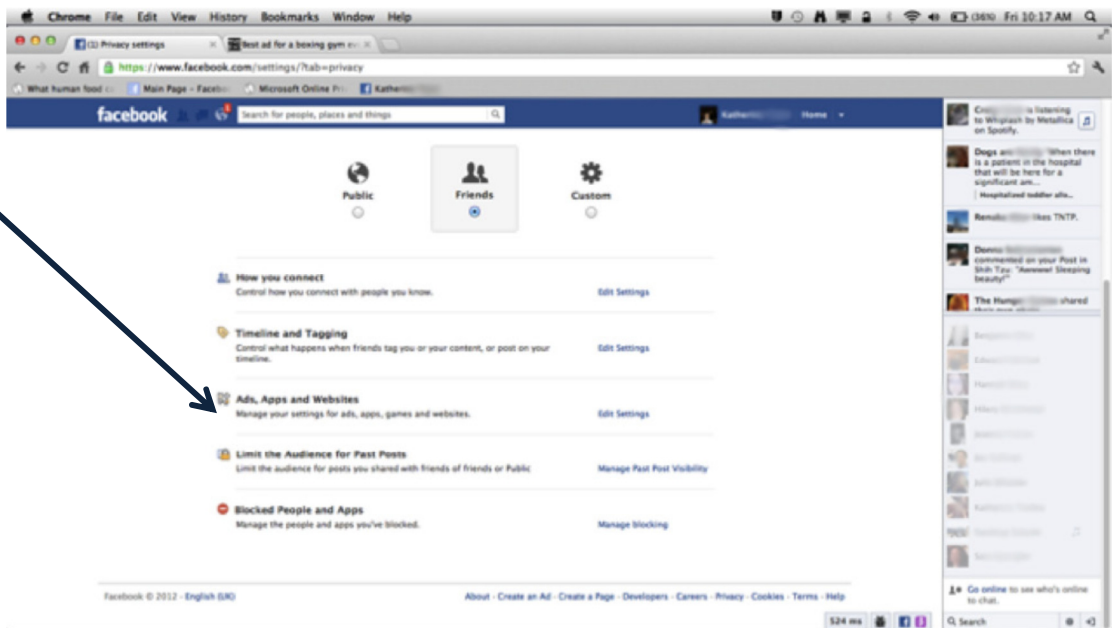
*FB-I promotes the “view as” tool by showing a flyout on users’ timelines after the user has been on the site for up to 30 days. See screenshot below.*



*In addition, a user’s privacy settings are easily accessible through a link in the top righthand corner of every page. See screenshot below.*



Further, in response to the DPC's recommendation that the settings related to ads be accessible from the privacy settings rather than the account settings, FB-I moved the ads settings to the privacy settings. See screenshots below.





The Update Report also described the newly launched activity log feature which had been referred to in the 2011 Audit Report by the DPC:<sup>11</sup>

*The transparency and control offered by Facebook's Activity Log feature is a major accomplishment. This is one of the most innovative and unparalleled offerings in the social media industry and clearly demonstrates FB-I's commitment to integrating transparency and control over data into the Facebook experience. This feature was introduced prior to the audit, but has been further developed and elaborated over the past six months in response to the audit, including adding the feature to the profiles of users who still have not transitioned to timeline. Activity Log, which is visible only to the user herself, presents users with a detailed and comprehensive look at all of their activity on Facebook since the beginning of their accounts. Users can sort by activity type, e.g., "comments", "status updates", "likes", or can search the Activity Log using keywords. Users can also jump to any month and year to view the activity during that time period. Further, the Activity Log provides users the ability to see in one place the visibility setting of their activity and the objects they interacted with, as well as the ability to change the visibility, remove from timeline, or delete the activity. The Activity Log shows whether a user added location to a post and whether the post received comments. The Activity Log is extremely easy and intuitive to navigate—a user need only hover with his cursor over any part of the log to learn what it means.*

### 3.2.3. 2012 Audit Report

In the 2012 Audit Report, the issue of user control over their information was again closely considered by the DPC:

*Individual deletion of specific items of data associated with a user perhaps goes to the core of the need to identify an appropriate balance between data protection views as to what would be acceptable periods to hold personal data that would meet the requirement to only hold it for as long as is necessary and the desire on the part of FB-I to serve what it views as its users' needs...Following extensive engagement, this Office and FB-I agreed that user control in this area could be extended so as to enable users to delete such items on a per-item basis. Such deletion may remove some of the protections and functionality which retaining this information provided to an individual user. From the Activity Log, where this data is displayed, users can now delete the data if they so wish. In this way FB-I has also clarified to users at the time they are taking an action whether that action will cause the item to be deleted or removed. Where it is only removed there is an ability to subsequently delete it via the Activity Log as described above.<sup>12</sup>*

### 3.2.4. User Control - Conclusion

<sup>11</sup> Pages 17 to 21 of the Update Report

<sup>12</sup> Page 23 of the 2012 Audit Report

FB-I has introduced ground-breaking new features to its platform in order to improve the options for our users in controlling the use to which their information is put by FB-I. The introduction of the activity log and of inline control over different aspects of users' timelines have been recognised by the DPC in its 2012 Audit Report where no further concerns in respect of user control over data were raised.

### 3.3. Retention of users' data

As FB-I's Data Use Policy referred to in Section 1.2 above discloses, information which is received by FB-I from its users is retained by FB-I for a number of specific purposes. Retention of data was reviewed extensively during the audit with an emphasis on minimising the periods of time for which data is retained by FB-I.

#### 3.3.1. 2011 Audit Report

After analysing FB-I's retention periods for various categories of data including pokes, tags, removed friends and deleted posts, the DPC recited the purposes for which FB-I retains user information:

*FB-I's response on these complaints highlighted that it retained such information for what it termed various important purposes to provide the best possible experience to users. For example, it stated it needs to save removed pokes in order to assist in identifying instances of bullying and harassment; FB-I saves rejected friend requests so that the same user cannot continue to send friend requests; FB-I uses removed friends data to ensure that the removed friend isn't surfaced as a friend suggestion to the user; and FB-I uses removed tags to prevent the user from being re-tagged in the photo. FB-I has pointed out that this has been developed based in the comments and requests from their users. FB-I points to its Data Use Policy to demonstrate that it is transparent about the purposes for which it uses the data it receives.<sup>13</sup>*

The DPC then considered FB-I's procedures in respect of deleted content in light of the Complainant's assertion that data deleted by users was not actually deleted by FB-I:

*FB-I explained that content that is deleted is immediately removed from the site and can no longer be viewed by third parties, and that it then begins the process of deleting the content from all of the places it exists on their servers. This process can take up to 90 days as is disclosed in the Data Use Policy and described in the technical analysis report and the section on deletion in this report. In response to the random posts provided in the subject access request, FB-I stated that some posts had not yet been purged by the time a response to the request had issued and that some information may remain within servers for up to 90 days.<sup>14</sup>*

FB-I's approach to data retention was summarised in the following manner by the DPC:

*The broader issue of how the deletion process operates within Facebook is dealt with separately in this report. This analysis is confined to the continued justification to hold post data which a user might consider was deleted or for which FB-I cannot identify an evidence based justification to continue to hold. This Office is satisfied that FB-I does delete old posts from a user's own Profiles and from other user's Profiles which are marked for removal. The appearance of these in the response to the complainant is that they were only marked for deletion at the beginning of July of this year approx 12 days before the date of the access request. Therefore regardless of the date on which the post was made the relevant date for deletion was the date on which the deletion request was made. However, as indicated above, FB-I has agreed to provide greater transparency and control over posts to users in their Activity Log as part of Timeline and this will allow a user a greater opportunity to mark for deletion any such posts.<sup>15</sup>*

The DPC did however recognise that FB-I has a legitimate interest in retaining some data of its users:

*Additionally, FB-I's business requires in many cases the retention of personal data in order to provide the services its users. As well, FB-I has confirmed and recognised the need to comply with requirements in relation to*

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<sup>13</sup> Page 71 of the 2011 Audit Report

<sup>14</sup> Page 72 of the 2011 Audit Report

<sup>15</sup> Page 72 of the 2011 Audit Report

*retention where the company no longer has a need for the data in relation to the purposes for which it was provided or received.<sup>16</sup>*

The engineering and technical challenge which is faced by FB-I in deleting information and data which are held in diverse locations was noted by the DPC:

*The consequence of using distributed architecture is that information users post on Facebook is often stored in multiple physical locations at once. This creates a significant engineering challenge because, when FB-I deletes information, it often has to do this not just in one place but in multiple locations. FB-I states that it describes this process in its online Statement of Rights and Responsibilities, which says, "When you delete [content you post on Facebook], it is deleted in a manner similar to emptying the recycle bin on a computer. However, you understand that removed content may persist in backup copies for a reasonable period of time (but will not be available to others)"<sup>17</sup>*

However, the DPC concluded that it was imperative that FB-I did not retain users' data for a longer period than is necessary to secure the objectives for which that data was collected. In particular, the DPC considered the retention policies regarding log data and cookies:

*The approach of this Office in relation to retention is that all periods chosen for the retention policy with respect to impression log data and cookies:*

- *For people who are not Facebook users or who are Facebook users in a logged out state, Facebook will take two steps with respect to the data that it receives and records through social plugins within 10 days after such a person visits a website that contains a social plugin. First, FB-I will remove from social plugin impression logs the last octet of the IP address when this information is logged. Second, FB-I will delete from social plugin impression logs the browser cookie set when a person visits Facebook.com*
- *For all people regardless of browser state (logged in, logged out, or non-Facebook users), FB-I will delete the information it receives and records through social plugin impressions within 90 days after a person visits a website that includes a social plugin.*

*This approach allows FB-I to retain information about social plugins from logged-in users to improve the social plugin experience and to identify and resolve any technical issues in the operation of the service, and then eliminate it once FB-I does not need it for those purposes.<sup>18</sup>*

In light of the above considerations, the DPC made the following recommendation:

*User's should be provided with an ability to delete friend requests, pokes, tags, posts and messages and be able to in so far as is reasonably possible delete on a per item basis.<sup>19</sup>*

FB-I's approach to data retention, and the conclusions of the DPC in the 2011 audit, should be considered in conjunction with the platform modifications which were being introduced by FB-I at the time of the 2011 Audit Report. These changes have been considered in Section 3.2 above, and have particular relevance to the issue of data retention and processing of data by FB-I.

### **3.3.2. Update Report**

Section 3.2 above describes in detail the introduction of both the activity log and inline privacy control settings which gave users effective control over the retention periods of their data which they could now delete from their activity log as they wished. Users now control the retention of data by FB-I through their use of activity log, timeline, and inline privacy controls. These modifications have transformed the manner in which FB-I retains data.

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<sup>16</sup> Page 74 of the 2011 Audit Report

<sup>17</sup> Page 72 of the 2011 Audit Report

<sup>18</sup> Page 85 of the 2011 Audit Report

<sup>19</sup> Page 78 of the 2011 Audit Report

### 3.3.3. 2012 Audit Report

In the 2012 Audit Report, the DPC commented as follows in respect of FB-I's retention policy:

*The audit therefore provided an opportunity to agree with FB-I on the most appropriate retention periods for the classes of data which it holds. Such retention periods can clearly take account of the legitimate interests of an organisation to process data in line with the services it provides.<sup>20</sup>*

The DPC recited its recommendation from the 2011 Audit Report and referred to the improved functionality of the Facebook platform and the ability to delete friend requests, pokes, tags, posts and messages by means of the activity log:

***Recommendation: Users should be provided with an ability to delete friend requests, pokes, tags, posts and messages and be able to in so far as is reasonably possible delete on a per item basis.***

...

*From the Activity Log, where this data is displayed, users can now delete the data if they so wish. In this way FB-I has also clarified to users at the time they are taking the action whether that action will cause the item to be deleted or removed. Where it is only removed there is an ability to subsequently delete it via the Activity Log as described above.<sup>21</sup>*

Having noted the shorter proposed retention periods for data received from social plugins, which are set out in Section 3.3.1 above, the DPC expressed its understanding of the position adopted by FB-I in the following terms:

*In the normal course of events, where data has not been segregated due to the litigation hold, FB-I report that social plugin impression logs for non-users and non-logged in users are deleted after 10 days. In relation to logged-in users, such logs are deleted after 60 days. This was confirmed by a code review.<sup>22</sup>*

The DPC therefore concluded as follows:

*Satisfactory response from FB-I in general from FB-I but subject to a further review from this Office in relation to social plugin impression data subject that was subject to a litigation hold.<sup>23</sup>*

The DPC was also satisfied that FB-I's data retention policy in respect of users' search data complied with the recommendations made by the DPC in the 2011 audit:

*Following on from these discussions, FB-I identified, and agreed to introduce, a prominent feature into the user Activity Log where a user can delete if they so wish all of their historic search terms of individual search terms. This feature is listed at 5.4 of the FB-I Update Report. This transparency and control provided to users together with the deletion of search logs provides for appropriate implementation of the recommendation as made by this Office.<sup>24</sup>*

The DPC's recommendations in respect of ad-click data and log-in information were also implemented to its satisfaction.<sup>25</sup> Having reviewed FB-I's retention policies for inactive or deleted accounts, the DPC found that it would be inappropriate to set a fixed retention period for inactive accounts:

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<sup>20</sup> Page 23 of the 2012 Audit Report

<sup>21</sup> Page 23 of the 2012 Audit Report

<sup>22</sup> Page 25 of the 2012 Audit Report

<sup>23</sup> Page 27 of the 2012 Audit Report

<sup>24</sup> Page 25 of the 2012 Audit Report

<sup>25</sup> Page 25 of the 2012 Audit Report

*In such circumstances it is not considered appropriate at present to require FB-I to institute a fixed retention policy for inactive or deactivated accounts as to do so would clearly result in deletion of data in a not insignificant number of cases where the user in fact would have returned to the site which would be inappropriate. The matter of course must be kept under review as there will clearly be a period when Facebook further matures where users after a substantial period of inactivity do not return to the site.<sup>26</sup>*

FB-I also committed itself to taking steps to inform users of the ability to delete their accounts after a certain period of inactivity:

*In this respect, FB-I has agreed to continue to examine options to contact such individuals and as a first step will instigate a mechanism where after one year of not logging into Facebook, FB-I will notify the user of the means to delete the account should they so wish. In this way, the account will not be visible on Facebook. Furthermore, FB-I will not use personal information from accounts that have been deactivated or are inactive for more than a year for ad-targeting purposes... It has also agreed to an annual communication to users with deactivated accounts to advise them of their options in relation to their account including deletion. As well, FB-I will provide a means to be agreed with this Office within four weeks for individuals to check whether they have an old account on Facebook and recover it, if so, in order to continue using it, delete it, or deactivate it.<sup>27</sup>*

In conclusion, the DPC found that FB-I's retention policy was justified:

*We are satisfied with the information provided by FB-I on the justification for the current approach to retention.<sup>28</sup>*

#### 4. APPLICATION TO CURRENT COMPLAINT

In light of the foregoing findings of the DPC in the course of the audit, FB-I responds to the specific factual allegations of the Complainant as follows:

- a) *The information received by FB-I is not only hosted by FB-I but is continuously processed by FB-I.*

FB-I processes user data in accordance with its Data Use Policy. The disclosures it makes to its users, and the controls it gives its users over such data, were reviewed during the audit. In the 2012 Audit Report, the DPC expressed satisfaction with FB-I's approach to this issue.

- b) *FB-I uses users' information in order to show advertisements and suggest friends or aggregate information on its "news feed".*

FB-I processes user data in accordance with its Data Use Policy. The disclosures it makes to its users, and the controls it gives its users over such data, were reviewed during the audit. In the 2012 Audit Report, the DPC expressed satisfaction with FB-I's approach to this issue.

- c) *FB-I does not actually require all the data it hosts for the purposes relied on by FB-I.*

The DPC has recognised that the retention periods of data can vary according to the purposes for which an organisation receives information. The DPC placed particular focus on retention periods being as short as is required for FB-I's purposes in the course of the audits and declared itself satisfied with FB-I's response in this regard.

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<sup>26</sup> Page 26 of the 2012 Audit Report

<sup>27</sup> Pages 26 to 27 of the 2012 Audit Report

<sup>28</sup> Page 27 of the 2012 Audit Report