

Press release

europe-v-facebook.org

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Bending the Law? In our discussion we were able to clarify the views of Facebook on different provisions of the European data protection legislation. We are even more confident that Facebook is in many ways re-interpreting that law in ways that are not stringent or compliant with the case law by the European Court of Justice.

This is especially an issue in cases where Facebook claims that the user has “consented” to the processing of data. In some cases Facebook e. g. claimed that, if a user is not prohibiting the processing this could be seen as a consent. We could also not get a final word on who (the users or Facebook) is the responsible “controller” for most processing of personal data, since Facebook does not have a policy that would clarify the role of Facebook and the users.

On the Way. In our talks Facebook was saying that they are still on the journey to fully comply with European laws. Many systems that are in operation are still not working the way they should. For example some of the deletion routines are currently not working correctly. Facebook is like a large tanker that moves the right direction, but it still not fully there, the representatives said.

Facebook has pledged to changing these procedures so that e.g. deletion really means deletion and not just hiding things from the users. There will also be massive changes to the worldwide privacy policy of Facebook in order to comply with European law.

More Information Coming. In many cases the representatives were not able to explain all details of the operation, but they agreed to research certain questions and hand over additional information soon. We agreed that Facebook will finally allow us to get an insight on all the data Facebook is holding about its users. So far we did not receive any access to information through the Irish DPC.

Transparency. As we have said before, were unhappy that these talks were done by some individuals instead of the authorities and that this meeting happened behind closed doors. We will therefore soon publish a detailed protocol on the arguments that were exchanged and the next steps that will be taken. We hope to ensure transparency by doing so.

Constructive Approach. We generally had the feeling that our complaints were taken very seriously and that our suggestions will be implemented by Facebook when changing the current system to comply with the report that was published by the Irish DPC in December. There was a friendly and positive approach by both parties, which showed that there is a strong interest to make Facebook seriously compliant with European legislation. Both representatives called this a long process that is still ahead of the Internet-giant.

Next Steps. After examining the additional information that we expect to get from Facebook and reviewing the changes that have to be done to comply with the first report by the Irish DPC, we will narrow our complaints down to the issues that are still remaining and ask for a formal decision by the Irish DPC in all the remaining cases. We still have serious doubts about a lot of Facebook’s data usage and will go on pushing the company to fully implement European data protection law.

Background Info. In the course of the procedure against Facebook the students of “europe-v-facebook.org” have had a very constructive meeting on Monday (6th of Feb) in Vienna. The meeting was moved to Vienna’s airport and was taking place from 1:30pm to 7:30pm. Facebook was represented by Richard Allan (Director of Policy EMEA) and another Facebook representative of Facebook’s US policy team. We were represented by Max Schrems (24) and another student of the University of Vienna.