

europa-v-facebook.org

Next Round for „europa-v-facebook.org“ Direct negotiations between Austrian students and Facebook

Negotiations in Vienna. Following the publication of the first audit report by the Irish Data Protection Commission (DPC) on our complaints in late December, we are now opening the next round. On the coming Monday (Feb 6th) we will have direct negotiations with Facebook representatives from the US and Ireland. The talks are aimed at finding an “amicable solution” for the 22 complaints. These talks are compulsory under the Irish Data Protection Act (DPA), so we have to engage in them.

Max Schrems (speaker of “europa-v-facebook.org”): *“I hope to get some more information, but from a democratic standpoint it feels absurd that a couple students should now bargain with a multinational like Facebook, representing all its users. This is as if a customer of a supermarket would negotiate about its hygiene rules. This should be done by the authorities.”*

The results of the negotiations will be published on our webpage in order to make this intermediate step as transparent as possible. The final decision on the 22 complaints should in any way lie with the authorities, but there might be the possibility that Facebook gives in on some points already. Schrems: *“Following the negotiations we will immediately ask for a formal decision by the Irish DPC.”*

First Irish report not sufficient. Even though December’s report by the Irish DPC was so far the most extensive limitation for Facebook in the field of privacy since the platform is online, we only see around 10% of our claims resolved by the outcome. The report lacks any sound legal reasoning and is contradictory in many points. Many complaints are only partly examined.

We have therefore informed the Irish authority that we will ask for a formal decision. Because of the so far negative experiences in Ireland we are currently preparing for an appeal to the Irish courts as well as on the European level. Schrems: *“We know that the EU is following the case closely.”* The EU Justice Commissioner, Vivian Reding, has cited our case twice in last week’s presentation on the new data protection regulation (see [YouTube](#)).

Irish authority under pressure. Currently we observe rising irritation about the Irish Facebook report in other EU member states. Behind the scenes, many data protection commissioners have criticized the Irish authority. In the Irish Sunday Times, Billy Hawkes, the Irish DPC, said among other things: *“I have had negative signals from some European colleagues that we were too soft on Facebook”* (see the [original report](#)).

Thilo Weichert, DPC of German Schleswig-Holstein, criticized the Irish DPC very openly on the authorities’ webpage: *“In many cases the Irish authority relies on statements and assertions by Facebook – as it seems, often unverified. We cannot fully understand the conclusions within the report that names a multitude of data protection deficiencies without stating their unlawfulness.”*