

THE STATE COMMISSIONER FOR DATA PROTECTION AND FREEDOM OF INFORMATION

Press Office of the State Commissioner for the

Data protection and freedom of information

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PRESS RELEASE

Things are getting tight for commercial social media products:

LfDI informs the highest state authorities on the use of

Facebook fan pages

LfDI Stefan Brink: "Who as an authority so far no

actively uses a data protection-compliant alternative, it should now  
do."

Are public bodies allowed to be present on Facebook, Twitter and Co

be? Since 2018, from the point of view of the European

Court of Justice (ECJ) states that use of Facebook by

a separate fan page for public bodies with high – too high –  
requirements.

An appraisal

the data protection conference

(DSK)

to the

data protection conformity of the operation of Facebook

Fanpages published in the past week

confirmed this result:

"For the storage of triggered when visiting a fan page

Information in the terminal devices of the end users [...]

as well as for the processing of personal data by

Site operators are responsible for are not effective

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given legal bases. In addition, the

Information obligations from Art. 13 GDPR not fulfilled."

This is not about small things, but about clear and

Massive violations of rights – at the expense of the citizens. With

running a Facebook fan page is not just a – after

European standards –

illegal business model

supported, rather

just carry the authorities who

their

Citizens want to inform using these platforms, to do so

at that the users

in

violated their rights and

being economically advantaged and exploited. users

such platforms are monitored, profiled, exploited and

manipulated. Those who support this “business model” make themselves

jointly responsible for the resulting violations.

Therefore, the data protection officers of the federal states and the

Federal now decided that under their supervision

supreme federal and state authorities on the opinion of the

To inform DSK and, if necessary, about the legal consequences

to clear up. The most important consequence

is: If authorities die

data protection conformity of their fan page usage

can prove that they have to stop their operation.

The state representative Stefan Brink has been on this issue since

been in talks with the state government of Baden-Württemberg for a long time

and also advises them on the use of alternatives. An important

The question is whether and how public authorities in emergencies - for example

in the event of natural disasters or special security situations

Access and communicate on social media.

The state commissioner himself has not used it since the beginning of 2020

more Twitter and relies on the Twitter alternative instead

Mastodon. He now runs his own server there

also set up their own account for the public authorities

be able. His account <https://bawu.social/@lfdi> now has

about 1,800 following. The LfDI will soon be going with its own

PeerTube server

into test mode. PeerTube

is a

privacy-friendly alternative to YouTube.

Several ministries are already before the state representative  
followed for some time and fortunately also use the  
Twitter alternative Mastodon for their communication. So have on  
the  
LfDI instance  
about  
the  
state government,  
Ministry of Environment,  
the  
Department of Transport,  
the  
the  
Ministry of Agriculture own accounts, as well as numerous  
other public bodies such as the regional council of Freiburg,  
many colleges  
as well as cities and towns that  
State Center for Civic Education and the Municipal Museums  
Freiburg. The Ministry of Science and other universities  
are already active on other Mastodon instances.  
LfDI Brink accepts the decision of the data protection conference  
Reason to call on all public bodies to list their activities  
Facebook and other social media channels too  
check over. If later this year now judicial  
Decisions follow - the outcome of such is clear to the LfDI  
foreseeable - then it can happen very quickly nationwide.

Public authorities should therefore now look for alternatives.

A well-maintained website that contains all the relevant information about  
is available for the LfDI independent of social media

alternatives

to

the

commercial

platforms

the

Basic requirement for the digital information supply.

The state representative Stefan Brink:

“Digitization and

Data protection belongs and only works together. we

support that public bodies digital communication and

Use social media offers. However, we expect them to

work in accordance with the law.” Of course, there are alternatives

currently not yet reach that on large commercial

platforms are possible. But none can reach

justification for infringement. And: “The more public

Use alternatives, the faster there will be more

Reaches people,” says Stefan Brink. “The direction is clear:

Unlawfully operated social media channels have public

Make no future. Therefore those responsible have to open now

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Switch to alternatives and expand them. Next to ours

Offer on Mastodon and soon also PeerTube we advise

public authorities are happy to help with the search and use on request

privacy-compliant alternatives

to

the

commercial

platforms.”

Further information:

The decision of the data protection conference and the short report

are available on the website of the state representative

Downloads:

[https://www.baden-wuerttemberg.datenschutz.de/wp-content/uploads/2022/03/DSK\\_Beschluss\\_Facebook\\_Fanpages.pdf](https://www.baden-wuerttemberg.datenschutz.de/wp-content/uploads/2022/03/DSK_Beschluss_Facebook_Fanpages.pdf)

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