

Deliberation SAN-2022-016 of July 11, 2022 National Commission for Computing and Liberties Legal status: In force Date of publication on Légifrance: Thursday July 28, 2022 Deliberation of the restricted committee no SAN-2022-016 of July 11, 2022 relating to the injunction issued against the company FACEBOOK IRELAND LIMITED by deliberation no. 2021-024 of December 31, 2021 The National Commission for Computing and Liberties, meeting in its restricted formation composed of Messrs. Alexandre LINDEN, Chairman, and Philippe-Pierre CABOURDIN, Vice-Chairman, and Mrs Anne DEBET and Mrs Christine MAUGÜÉ; Having regard to Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 relating to the protection of personal data and the free movement of such data; Having regard to law no. 78-17 of January 6, 1978 as amended relating to data processing, files and freedoms, in particular its articles 20 and following; Having regard to decree no. 2019-536 of May 29, 2019 modified taken for the application of the amended law no. 78-17 of January 6, 1978 relating to data processing, files and freedoms; Having regard to deliberation no. 2013-175 of July 4, 2013 adopting the internal regulations of the National data processing and freedoms; Having regard to deliberation no. 2021-024 of December 31, 2021 issuing an injunction against the company FACEBOOK IRELAND LIMITED; Having regard to the elements transmitted by the company META PLATFORMS IRELAND LIMITED on February 1 and April 1, 2022 to demonstrate its compliance with the injunction; Having regard to the letter of April 5, 2022 by which the president of the restricted committee asked the rapporteur to intervene again in the procedure to carry out additional checks; Having regard to control decision no. 2022 -063C of April 7, 2022 from the President of the National Commission for Computing and Liberties to instruct the Secretary General to carry out or to have carried out a mission to verify the contents accessible from the facebook.com domain or relating to personal data collected from the latter; Having regard to the letter from Mrs. Valérie PEUGEOT, reporting commissioner, notified to the counsel of META PLATFORMS IRELAND LIMITED on May 20, 2022; Having regard to the observations in response submitted by counsel for META PLATFORMS IRELAND LIMITED on June 7, 2022; Having regard to the other documents in the file; After deliberation, adopted the following decision: I. Facts and procedure Deliberation no. 2021-024 of December 31, 2021 ordered FACEBOOK IRELAND LIMITED to: "modify, on the "facebook.com" website, the procedures for obtaining the consent of users located in France to reading operations and/or write information in their terminal, by offering them a means of refusing these operations presenting a simplicity equivalent to the mechanism provided for their acceptance, in order to guarantee the freedom of their consent ". This injunction was accompanied by a penalty of 100,000 euros per day of delay at the end of a period of three months following the notification of the deliberation, the supporting

documents of compliance must be sent to the restricted committee within this period. April 2022, within the time limit set by the deliberation, the company META PLATFORMS IRELAND LIMITED, which succeeded the company FACEBOOK IRELAND LIMITED, sent to the chairman of the restricted formation of the elements and n with a view to justifying its compliance, by presenting the changes deployed on the "facebook.com" website from the end of February. the rapporteur to intervene again for the purpose of investigating these elements, on the basis of Article 44 of Decree No. 2019-536 of May 29, 2019, to ensure that the refusal mechanism proposed by the company is property. In order to be able to carry out the necessary due diligence on the basis of Article 39 of the aforementioned decree, the rapporteur asked the President of the Commission, by e-mail dated April 7, 2022, to instruct the Secretary General to proceed to a mission to verify the processing implemented on the "facebook.com" website. On April 12, 2022, a CNIL delegation carried out an online check on the "facebook.com" website, during which it has noticed the presence in his terminal of a cookie named "oo", the filing of which had not been noted during the online check of April 8, 2021 at the origin of the sanction procedure. By letter notified to the company on May 20, 2022, the rapporteur asked the company to indicate to it, within fifteen days, "the purpose (for example: technical, advertising, social network sharing button, audience measurement, etc.) of the cookie called "oo" whose deposit has been noted within the framework of the online check of April 12, 2022, by providing all the necessary documentation to certify this ". By letter in response dated June 7, 2022, the company provided the requested details.

II. Reasons for the decision

The Restricted Committee notes that it appears from the information provided by the company in its various letters that people visiting the "facebook.com" website are now offered a means of refusing the reading and/or writing information in their terminal presenting a simplicity equivalent to the mechanism provided for their acceptance. will be made public as was deliberation no. 2021-024 of December 31, 2021.

FOR THESE REASONS

The restricted committee of the CNIL, after having deliberated, decides:- that there is no need to liquidate the penalty ; - to make public, on the CNIL website and on the Légifrance website, its deliberation, which will no longer identify the company by name as of January 6, 2024. Chairman Alexandre LINDEN