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ECJ decision on Facebook fan pages: No gaps in responsibility in data protection! Fan pages are Internet offers that companies, private individuals and public bodies can set up on Facebook. With its decision of June 5, 2018, the European Court of Justice (ECJ) clarified that with regard to the operation of Facebook fan pages, there is a joint data protection responsibility of the provider Facebook and the fan page operator. The background to the proceedings was an order from the independent state center for data protection in Schleswig-Holstein, which took supervisory measures against the operator of a fan page – the Schleswig-Holstein Business Academy – and ordered the fan page to be deactivated in November 2011. In its judgement, the ECJ stated that the business academy and the American company Facebook with its Irish subsidiary are to be regarded as joint controllers in the European Union for the data processing that has taken place. The operators of the fan pages are jointly responsible for the choice of the Facebook platform, even if they have no direct influence on the processing there. The ECJ sees the establishment, design and configuration by the fan page operator as his decision on the purposes and means of processing the personal data of visitors to the site. Dieter Kugelman sees his line confirmed: "Together with my colleagues from the federal and state governments, I have been pointing out for years that the use of fan pages generates a large amount of sensitive data that is processed by Facebook under non-transparent conditions that violate data protection. However, the desire to optimize public relations cannot justify data protection violations. Yesterday's decision by the European Court of Justice confirms the data protection officers' view: There must be no gaps in data protection responsibility through the use of social media. The judgment of the ECJ fits seamlessly into the new legal situation since the GDPR came into effect, which defines a broad concept of responsibility to inform the responsible bodies of the need to adapt their fan pages and to check this.

Further information: Resolution of the data protection conference of June 6th, 2018 "The time of irresponsibility is over: ECJ confirms joint responsibility of Facebook and fan page operators"

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