

06.04.2022 | 03/2022

Expert opinion on Facebook fan pages - state commissioner demands proof of the legality of the operation or shutdown

The state data protection officer informs the supreme state authorities under their supervision about a new report from the data protection conference on the question of the conformity of the operation of Facebook fan pages with data protection law. It came to the conclusion that there is no effective legal basis for the processing of personal data in connection with visiting such fan pages. In addition, the obligation to inform users about the processing of their data is not sufficiently fulfilled. The European Court of Justice had already ruled in 2018 that fan page operators are jointly responsible for this. Dagmar Hartge:

The report takes into account the latest changes in the law and current court decisions. His result is clear. To my knowledge, both the operators of the fan pages and Facebook have failed to bring about changes and to ensure compliance with all legal regulations in recent years. I have to assume that the authorities will not be able to prove that the fan pages are operated in accordance with data protection. They would do justice to their role model function if they switched off their Facebook appearances now in this case. In this way, they could avoid a complex supervisory procedure.

In a next step, the state representative will specifically check which state authorities are currently operating Facebook fan pages. It will then work to ensure that these pages are deactivated if those responsible cannot prove compliance with data protection law. The conference of the independent data protection supervisory authorities of the federal and state governments decided on this procedure at their 103rd conference at the end of March 2022.

The decision and the opinion of the data protection conference are available on our website and on the conference homepage (<https://datenschutzkonferenz-online.de>).

ID number 03/2022

Date 06.04.2022

Responsible Astrid Oehme

ID number 03/2022

Date 06.04.2022

Responsible Astrid Oehme