

Bavarian State Office for
data protection supervision

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press release

Blood donation service under scrutiny

The Bavarian State Office for Data Protection Supervision (BayLDA) examines in a focused
ted data protection check the website of the blood donation service of the Bavarian Red
cross. The reason for the audit was the use of tracking tools on the website of the
blood donation services. The BayLDA checks in particular whether sensitive health data of the
users were processed by Facebook.

Use of tracking tools in the "donation check"

The blood donation service publishes a so-called "donation check" on its website. About this check can
Let users determine if they are eligible for a donation. The user answers numerous questions about this
Questions about his health. These include i.a. Information on serious illnesses, drug
sum and pregnancy. Third-party tracking tools were embedded on the website, including
also a marketing tool from Facebook.

Website operators integrate third-party tracking tools to record how users interact with their own website
surf site. For example, website operators can determine where a user comes from, which device
he uses and what content he is interested in. This usage data can be used for various purposes
be used, e.g. B. for advertising, to optimize the website or to prevent fraud in online
stores.

The Facebook pixel is mainly used by companies for advertising purposes. For this purpose, first
data is collected, then merged across websites in order to finally
to create this usage profile. The user profile can be used to identify interests or personal characteristics of the user
conclude users. This makes it possible to advertise the user in a target group-oriented manner.

Examination by the BayLDA

When using tracking tools, numerous data protection requirements must be observed. This includes not only to inform the user in simple and clear language about tracking tools. The website operator must also ensure that it lawfully embeds the tracking tools, i.e. H. that a legal basis the Integration allowed or the user has given his consent in advance.

In the media reports, the blood donation service is accused of having the health data of the User submitted to Facebook.

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Whether the use of the Facebook pixel was lawful and health data was processed is the subject of the test procedure.

"Should the accusation prove to be correct, this represents a serious violation that must be punished accordingly is. What is not clear to many: it is not the website operator who integrates a tracking tool on the website transmits data to the provider of the tracking tool, but the provider itself collects the data directly from the user. Nevertheless, this is only made possible by the integration on the website. This not only applies to Facebook,

but also for other tracking tools such as e.g. Google Analytics. Because we were also able to use this tool on the determine the website,” says Thomas Kranig, President of the BayLDA.

What to consider when using tracking tools

The conference of the independent data protection supervisory authorities of the federal and state governments, a body of German supervisory authorities, published a comprehensive guide on the use of in March 2019

Tracking tools informed. In the paper, website operators learn which requirements they have to observe

ben. The guidance is available at:

https://www.datenschutzkonferenz-online.de/media/oh/20190405_oh_tmig.pdf

The General Data Protection Regulation grants the supervisory authorities extensive powers to

be stopped or sanctioned with a fine. Whether and if so, which measures the BayLDA im

Case of the blood transfusion service will take depends on the result of the examination, which is still ongoing is.

“This case shows that it's not just regulators who audit websites, but basically everyone with little

Effort via the browser can test which tracking tools are integrated on a website. The risk,

that users become aware of a violation and report it to the supervisory authority is a requirement for websites

particularly high. Website operators should be aware of this and pay special attention to the fact that

tools are not used naively, of which they do not even know how the data of the users are processed

become,” says Thomas Kranig.

Thomas Kranig

president