

Press release 6/2023

BfDI prohibits operation of the federal government's fan page

The BfDI, Professor Ulrich Kelber, has instructed the Federal Press Office (BPA) to stop operating the Federal Government's Facebook fan page. The BfDI sent a corresponding letter at the beginning of the week. The BPA has four weeks from receipt of the decision to implement it.

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The BfDI said: "I have long pointed out that the operation of a Facebook fan page is not possible in compliance with data protection. This is shown by our own investigations and the short report of the data protection conference. All authorities are responsible for adhering to the law in an exemplary manner. According to the results of my tests when operating a fan page, this is currently impossible due to the extensive processing of personal data of users. I think it's important that the state can be reached via social media and can share information. But he can only do that if the fundamental rights of the citizens are protected."

Since the interests of the operators of fan pages and Meta complement each other, the BfDI believes that there is joint responsibility for the processing of the personal data collected when using the fan page. As the person responsible, the BPA must be able to prove that the principles of data protection law are observed. The BPA was unable to provide such evidence in the proceedings to convince the supervisory authorities. In particular, the BfDI criticizes the fact that, according to its assessment, there has so far been a lack of an effective legal basis for data processing. In addition, according to the Telecommunications Telemedia Data Protection Act, consent must be obtained for the use of cookies and similar tracking technologies that are not absolutely necessary. In the case of the Facebook fan pages, however, such consent is currently not effectively obtained according to the results of the supervisory authority checks.

The BPA has the opportunity to appeal against the decision of the BfDI within one month.

Document from the administrative procedure:

Notice on the operation of Facebook fan pages (PDF, 593KB, file is barrier-free) Hearing on the operation of Facebook fan pages (PDF, 501KB, file is barrier-free)

contact finder

Here you can find out in just a few clicks who is responsible for your inquiry or complaint about data protection.

public bodies

The term public body not only includes the traditional administrative authorities, but also courts, parliaments and public foundations. This also includes social insurance, such as health insurance.

Pursue

Private companies are mostly supervised by state authorities, but there are some exceptions. Private organizations such as clubs and associations also fall into this category.

Press, radio, church

Special responsibilities apply in these areas. Churches and public broadcasters have e.g. B. via their own data protection officers. The federal and state supervisory authorities are not responsible for other organizations either.