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ECJ holds Facebook fan page operators responsible

The European Court of Justice (ECJ) has clarified that operators of a Facebook fan page are jointly responsible under data protection law for the data processing that takes place there.

For the Federal Commissioner for Data Protection and Freedom of Information (BfDI), Andrea Voßhoff, the decision is a clear confirmation of the legal opinion of German data protection supervisory authorities: Once again, the ECJ has emphasized the important role of data protection with a judgment. Especially in the increasingly digitized world, there must not be the possibility of evading one's data protection responsibility.

In today's decision, the ECJ found that a fan page operator can be jointly responsible for the data processing processes at Facebook even if he actually has no way of directly influencing them. The acknowledgment of the joint responsibility of Facebook and the operator of the fan page makes it possible to guarantee visitors to a fan page the comprehensive legal protection intended by law.

Even if the judgment is still based on the legal situation in force before the General Data Protection Regulation, the principle of joint responsibility laid down by the court can also be transferred to the new law. The federal and state supervisory authorities will now decide in a timely manner what specific effects the judgment will have on further regulatory action.

The BfDI advises public bodies in particular to take the ECJ's decision as an opportunity to check the legal conformity of their fan pages and - if necessary - to persuade Facebook to make data protection adjustments. Andrea Voßhoff: The public authorities, which are particularly bound by law and order, have a role model function here. Above all and foremost, however, Facebook is now all the more obliged to finally follow up on all its public assurances with action and to design its offer in full compliance with data protection.

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.

company

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.