press release

Urgent decision of the Federal Court of Justice: Facebook uses dominant position abusively

Erfurt, June 26, 2020

In an urgent decision of the Federal Court of Justice (BGH) of June 23, 2020 (KVR 69/19 - Decision) this confirms a decision of the Federal Cartel Office. The federal tellamt had decided that Facebook would lose its dominant position due to of the unrestricted profiling practiced by Facebook. users Facebook would have to agree to the very extensive terms of use. Fa- However, cebook not only collects data that is collected when using the Facebook platform fall. It also brings together data, for example users left on WhatsApp, Instagram or other services together. A choice of the users whether they want to allow these data links, they do not have.

The Bundeskartellamt saw Facebook's actions as a breach of competition law Violation. The Bundeskartellamt then prohibited Facebook from sharing such data without to process further consent from private users. The BGH has now in its Decision ruled that this ban be enforced by the Federal Cartel Office may.

"An important stage win and a clear signal from the Federal Court of Justice," said the Thuringian ger State Commissioner for Data Protection and Freedom of Information, Dr. Lutz Hasse, to the urgent decision of the BGH. "A blanket consent is therefore a Rie- gel advanced. Facebook, as the dominant operator of a social network work, is now obliged to create a real choice for the users or to refrain from collecting data in the future," says Dr. hate finally.

dr Lutz Hasse

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