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P r e s s e release

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ECJ judgment on social media plugins - website operators have an obligation

On Monday, the European Court of Justice announced a verdict on the issue of

privacy-compliant integration of a Facebook Like button by website operators

(C-40/17). In doing so, he consistently continued his case law on the common

Responsibility for Facebook fan pages (C-210/16) states that it also applies to the use of

so-called social plugins, such as the Facebook Like button, are jointly responsible for

operators of a homepage and the respective provider. Website operators can do that

Obtaining consent from users, insofar as such is required, as well as the

Don't shift fulfillment of transparency obligations to Facebook.

The Berlin Commissioner for Data Protection and Freedom of Information recommends Berliner

When using social plugins, website operators should check exactly how far their

own responsibility, which information obligations they fulfill towards those affected

and on what legal basis the data processing should take place. Unless you

recommends Berliner

Data protection officers for reasons of legal certainty, a consent-based solution

choose. Technically, care should be taken to ensure that personal data is not already

be transmitted when the website is accessed.

Maja Smolczyk:

"With the judgment, the ECJ is going its own way with regard to the responsibilities for the

Continued processing of user data on the internet. The public and private

Website operators in Berlin, the Facebook Like buttons or similar social plugins

should use, in particular in the interest of their users, resulting from the

Now quickly implement the obligations resulting from the decision."

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