

litigation chamber

Resolution 29/2023 of March 17, 2023

File number: DOS-2021-02144

Subject: Claim against META PLATFORMS IRELAND LIMITED (formerly FACEBOOK IRELAND LIMITED)

The Disputes Chamber of the Data Protection Authority (hereinafter referred to as "DPO"), consisting of

Mr. Hielke Hijmans, in the sole chair;

Based on Regulation (EU) 2016/679 of the European Parliament and of the Council of 27.

April 2016 on the protection of natural persons with regard to the processing of personal data

free movement of data and repealing Directive 95/46/EC (General Data Protection Regulation),

hereinafter referred to as "GDPR";

Based on the law of December 3rd, 2017 creating the Data Protection Authority, in

hereinafter referred to as "GSD";

Based on the law approved by the Chamber of Deputies on December 20, 2018 and published on December 15

Rules of Procedure published in the Belgian Official Gazette on January 2019;

Based on the documents on file;

Based on the final decision of the Irish Data Protection Commission (Data Protection

Commission, hereinafter referred to as "DPC") of 25 November 2022 (hereinafter "the Decision

called the DPC");

Made the following decision:

The defendant:

META PLATFORMS TECHNOLOGIES IRELAND LIMITED (hereinafter referred to as MPIL)

having its registered office at 4 Grand Canal Square, Grand Canal Harbour, Dublin 2, Ireland, and the

Company number 0599.904.022, hereinafter referred to as "the defendant".

Decision 29/2023 – 2/13

I. Facts and procedure

1.

The lawsuit alleges a data breach at MPIL (formerly FACEBOOK IRELAND LIMITED). In April 2021, various media reported worldwide that an encrypted data set with personal data from FACEBOOK made available to users on the Internet. This record is intended to be personal Includes data from approximately 533 million FACEBOOK users worldwide.

2.

On April 7, 2021, the DPO decides to ask Belgian citizens to on the website <https://benikerbij.be> to check whether their personal data part of the data published on the Internet and, if necessary, a complaint with the DSB to submit.

3.

Between April 5, 2021 and May 18, 2021, 1,113 Data scraping lawsuits.

4. On April 14, 2021, the DPC decided to open an investigation of its own accord — “Own Volition Inquiry” — pursuant to Section 110(1) of the 2018 Irish Data Protection Act¹ to establish whether MPIL is the controller Obligations related to the processing of personal data of its users through the functionalities FACEBOOK Search, FACEBOOK Contact Importer, MESSENGER Contact Importer and INSTAGRAM Contact Importer has performed its duty and whether MPIL violates one or more provisions of the GDPR in this context or violated the 2018 Data Protection Act.

5. On May 24th, 2021 and June 14th, 2021, the Belgian data subjects will be informed by email about informed of the progress of the procedure.

6. On June 10, 2021, the DPC will provide information on the status of its investigations via IMI. Under among other things, the DPC informs that it is reporting to the responsible supervisory authorities

will provide standard letters informing plaintiffs that

that the outcome of their lawsuit is dependent on the ongoing investigation by the DPC

becomes.

7.

On 29 July 2021, the Irish DPC will be via the European cooperation platform IMI

informed of the existence of complaints lodged with the DSB in connection with the

DPC investigated transactions were submitted.

8. On February 15, 2022, the DPC confirms to the DSB that the investigation into the application of the

GDPR to create the disputed data set as an own-initiative investigation

1 The Commission can investigate suspected breaches of the relevant legislation

110. (1) The Commission may, in order to determine whether an infringement has occurred or is occurring, either pursuant to

Article

109(5)(e), Article 113(2) or ex officio to order any investigation it deems appropriate. (own

Translation)

Resolution 29/2023 – 3/13

continued by the Irish regulator. Because it is an investigation

acts that have a significant impact on data subjects

in more than one

Member State has or may have, the other supervisory authorities concerned,

including the Belgian supervisory authority, pursuant to Article 60 of the GDPR

Draft decision submitted.

9. On September 30, 2022, the DPC will present its draft decision in accordance with Section 60 (3) GDPR

available to the other supervisory authorities, including the DPO, on IMI. The affected

Regulatory authorities have until October 28, 2021 to notify the DPC if necessary

Submit relevant and reasoned objections or comments.

10. On October 27 and 28, 2022, the Dutch, French, Belgian and

Polish supervisory authorities of the DPC with their comments. The DSB informs the DPC

First, consider using data scraping as a breach of protection

of personal data is to be evaluated. In addition, the DPC is asked to provide information

regarding the lack of a reference to MPIL's obligation in the draft resolution,

where appropriate, both the competent supervisory authorities and the users concerned

to inform about the data leak in accordance with Articles 33 and 34 GDPR.

Finally, the DSB argues that they disagree with the DPC's decision

agreed

is that

themselves MPIL

at the time of the decision, the

setting the default search setting to "Everyone", not aware of the consequences of this change

was aware. According to the DSB, MPIL was aware of a default setting

Decided to make the phone numbers and email addresses searchable and allow for

an indefinite number of individuals are accessible (either directly through

manual query or indirectly through automated query), including for third parties,

who do not yet know the owners of the phone numbers and e-mail addresses they are looking for

were.

11. Should the competent supervisory authorities not formally relevant and justified

If you object to the draft decision, the DPC will make its final decision

according to Article 60. 4 GDPR on November 25, 2022. The DPC also sends in

Memo to the four concerned regulators who submitted comments,

to answer and explain the questions raised therein.

Resolution 29/2023 – 4/13

II. DPC Final Decision of 25 November 2022

12. According to the DPC, the matter concerned compliance with the principle of

Data protection through technology and default settings in accordance with Article 25 GDPR by MPIL in connection with the development and provision of the search functionalities

FACEBOOK Contact Importer, MESSENGER Contact Importer, INSTAGRAM Contact Importer, MESSENGER Search and its variant MESSENGER Contact Creator (hereinafter "the controversial functionalities")³.

13.

As a result, the DPC examined to what extent MPIL complied with Articles 25.1 and 25.2 GDPR in

Regarding the integration has not been respected, as well as the effectiveness of the technical and organizational measures taken in the period between May 25, 2018 and September

2019 were taken⁴. The investigation also included consideration of the design, the

Development, further development and the introduction of the controversial

functionalities, since MPIL clearly has cases of massive scraping activities involving it

associated bot and fake account activity

in several products or

Functionalities noted both before and during the above period

had⁵.

14. This investigation by the DPC initially revealed that MPIL contained the disputed functionalities designed so that users could find the profiles of other well-known users.

Specifically, users could enter phone numbers and email addresses in the search box

Enter, where FACEBOOK displayed the names and UIDs⁶ as a result. In this

However, unknown third parties could also make a connection with random sequences of numbers and texts input. If those random strings of characters match the phone number or email address of an existing FACEBOOK user matched, the unknown could

the identity and all public data that the searched users have in their profiles

had published, with the entered number or e-mail address⁷.

15. MPIL explained that this functionality is limited to FACEBOOK and INSTAGRAM users

was whose searchability setting allowed others to search by their phone number or email address to search for them. However, the DPC's investigation showed that that this setting was set by default for each user so that everyone else

2 Decision IN-21-4-2 d.d. 25 November 2022 of the Data Protection Commission, made pursuant to Section 111 of the Data Protection Act 2018 and Article 60 of the GDPR in the matter of Meta Platforms Ireland Ltd. (formerly Facebook Ireland Ltd).

3 para. 39 and 44 of the decision of the DPC.

4 para. 37 of the decision of the DPC.

5 para. 46 of the decision of the DPC.

6 "Unique User Identifiers", freely translatable as "unique user identifiers".

7 para. 58 and 60 of the decision of the DPC.

Decision 29/2023 – 5/13

FACEBOOK users could find him, albeit with the ability for any user to share them disable setting manually⁸.

16

Considering the fact that the matter is a major social media platform concerned, the DPC concluded that the scope of the disputed processing entailed the risk of having phone numbers and email addresses scraped and shared linked to the identity of the holder was large. In addition, the Default settings reduce the risk of scraping since using random numbers and email addresses more likely to match an existing FACEBOOK users led⁹.

17. The DPC stressed that the first step in meeting the requirements of Article 25 GDPR must consist of assessing the risks posed by a breach of the above said provision for the rights of data subjects. Here must in particular, the probability and severity of these risks are taken into account, and measures should be taken to effectively mitigate them¹⁰.

In this context, the DPC rejected the objections raised by MPIL, in particular that the scraped personal data due to their nature and the fact that they have already been published on FACEBOOK by the persons concerned were only minimal risks. The mere fact that some personal data on a individual FACEBOOK profile or elsewhere are available does not alter the risk inherent in publishing them personal data is connected, namely the possibility of a very detailed create a profile for the user¹¹. Finally, the DPC rejected the argument that in the absence of proven use of the data sets published online, no There is a risk to the rights of data subjects¹².

19. MPIL stressed during the investigation that the technical and organizational Actions taken throughout the period, actually were adequate and effective, integrated with the disputed functionalities and corresponded to the state of the art. MPIL also took the view that at the Examination of the type, scope, circumstances and purpose of the processing and different probability of occurrence and severity of processing associated risks to the rights and freedoms of individuals, the following must also be fully taken into account:

8 para. 59 of the decision of the DPC.

9 para. 60 of the decision of the DPC.

10 para. 66 of the decision of the DPC.

11 para. 71 and 73 of the decision of the DPC.

12 para. 79 of the decision of the DPC.

a. the benefits of the controversial functionalities for users and their importance

for the main purpose of FACEBOOK;

b. the privacy settings that allowed users to control,

who by

according to their phone number

could look for them or who

was able to view information on their profile; and

c. the lack of prior art

in terms of the most advanced

Control mechanisms that allow scraping of the controversial functionalities

Could be prevented entirely without affecting ordinary users

equally useful functionalities have been disabled¹³.

20. In the absence of evidence that MPIL made adequate risk assessments

carried out, although it was clear that the disputed functionalities posed risks in

entail reference to some of the data protection principles under Article 5 GDPR

would, the DPC decided the risks of abuse of the controversial

Further investigate functionalities by fraudulent actors.

21. One of these risks relates to the principle of the required in Article 5.1.b) GDPR

Purpose limitation, because there is a possibility that telephone numbers, e-mail addresses

and other personal data of FACEBOOK users processed in a way

are compatible with the purposes for which the personal data were originally collected

were incompatible¹⁴.

22. The DPC further notes that the disputed functionalities entail the risk of a

unauthorized access to phone numbers and email addresses of FACEBOOK users

create and thus possibly against the principle of integrity and confidentiality

in accordance with Article 5.1.f) GDPR¹⁵. Finally, the search settings are supposed to be the profiles

make it discoverable by users if another user already has the phone number or email address of a user, but they should not allow strangers to

Find contact details of identifiable FACEBOOK users, and neither should they serve to scrape personal data on the Internet.

23. There is also a risk that the disputed functionalities violate the principle of minimal data processing according to Art. 5.1.c) GDPR. After this

In principle, personal data must correspond to the purpose for which they are collected be processed, be relevant and limited to what in relation to the purposes for which they are processed is necessary. The automatic inclusion of telephone numbers and e-mail addresses of users within the scope of the 13 para. 85 of the decision of the DPC.

14 para. 91 of the decision of the DPC.

15 para. 94 of the decision of the DPC.

Decision 29/2023 – 7/13

controversial search functionalities not only created the possibility of using user accounts to browse their contact details, but also put the same contact details to the potential scraping by third parties.

24

As part of the assessment of compliance with Art. 25.1 GDPR — data protection by

Design¹⁶ — the DPC noted that MPIL would have a number of additional measures have to take

in particular

in

considering

the

different

Likelihood and severity of risks to rights and freedoms

natural persons affected by the processing of personal data by MPIL in

the disputed functionalities arose¹⁷.

25. However, since Article 25.1 GDPR neither the measures to be carried out nor the

prescribes taking into account the state of the art, the DPC has also examined to what extent

the actions taken by MPIL are reasonable under the circumstances

were¹⁸.

Notwithstanding the arguments put forward by MPIL, the DPC ruled in this one

context that the technical and organizational measures that MPIL according to

of the discovery of the incident were not sufficient to establish the

implement the data protection principles required by the GDPR in an appropriate manner. Through

the lack of appropriate measures, the controversial functionalities were viz

Abuse by fraudulent third parties exposed to an unauthorized record

create instead of just finding profiles of already known FACEBOOK users; with it

MPIL violate the principle of purpose limitation according to Article 5.1.b) GDPR.

Also with regard to the principle of integrity and confidentiality according to Article 5.1.f)

GDPR, the measures taken were not appropriate. The lack of suitable

Measures allowed fraudulent third parties to exploit the controversial search functions

use to find out if random combinations of numbers and letters are valid

phone numbers or email addresses matched, and if so, to which

Find out the identity of the FACEBOOK user to whom the relevant telephone number or

email address belonged.

In short, the DPC considered that the measures applied by MPIL were not

were sufficiently suitable to comply with the principle that

16 Article 25 GDPR — “1. Considering the state of the art, the cost of implementation and the nature of the

The scope, the circumstances and the purposes of the processing as well as the different probability of occurrence and

The severity of the risks to the rights and freedoms of natural persons associated with the processing is Responsible both at the time of determining the means of processing and at the time of actual processing appropriate technical and organizational measures - such. B. Pseudonymization — meets, designed to effectively implement data protection principles such as data minimization and the necessary Include safeguards in the processing to comply with the requirements of this regulation and the rights of the to protect data subjects."

17 para. 140 to 149 inclusive of the DPC decision.

18 para. 149 of the decision of the DPC.

Resolution 29/2023 – 8/13

personal data must be processed in such a way that an adequate

Security of personal data, including protection against unauthorized or unlawful processing, is guaranteed¹⁹.

26. The DPC finally concluded that MPIL has not demonstrated that the company has carried out an analysis of the risk arising from the chosen Concept arises, however, as set out in the guidelines of the European Data Protection Board or European Data Protection Board (EDPB) is recommended. Hence the DPC came to that Conclusion that MPIL violated Article 25.1 GDPR as the company does not has taken sufficient appropriate technical and organizational measures, which effectively reduce the risk of misusing the built-in search functionalities and in particular the principles of Articles 5.1.b) and 5.1.f) GDPR are not effective applied and integrated the necessary guarantees into the processing in order to To meet the requirements of the law and to protect the rights of data subjects protect²⁰.

27. Pursuant to Article 25.2 GDPR — data protection by default²¹ — MPIL also obliged to take appropriate measures to ensure that By default, only personal data are processed that are relevant to the respective

Processing purposes are necessary and that personal data

in the

Default settings not an indefinite number of natural persons without action

of the affected users are made available²².

28

In this regard, the DPC decided that the adjustment of the

Searchability settings through which phone numbers and email addresses

automatically — without any action on the part of the affected users — to the default settings of the

controversial functionalities were added, whose personal data for

Scraper made that accessible by using reverse lookup functionality on it

could access. MPIL has thus also committed a violation of Article 25.2 GDPR

found guilty²³.

29. As remedial measures, the DPC therefore decided the following:

19 para. 167 of the decision of the DPC.

20 para. 169 of the decision of the DPC.

21 Article 25 GDPR — “2. The person responsible takes appropriate technical and organizational measures

ensure that by default only personal data whose processing is relevant to the respective

is required for a specific processing purpose. This obligation applies to the amount of collected

personal data, the scope of their processing, their storage period and their accessibility. Such measures

In particular, we must ensure that personal data cannot be stored by default without the intervention of the

be made available to an indefinite number of natural persons.”

22 para. 170 of the decision of the DPC.

23 para. 182 of the decision of the DPC.

Resolution 29/2023 – 9/13

a. according to Art. 58.2.d) GDPR to oblige MPIL within three months after

Notification of the final decision processing in accordance with the

GDPR by taking appropriate technical and organizational measures regarding the controversial functionalities to be taken by default only process personal data that is necessary for every specific processing purpose and to prevent personal data by default an indefinite number of made accessible to natural persons without the involvement of the users concerned become²⁴.

This obligation was issued to ensure compliance with Article 25.2 GDPR guarantee. In view of the measures already taken by MPIL to Prevention of scraping, the DPC decided not to add any additional obligation with reference to Article 25.1 GDPR²⁵.

b. According to Article 58.2.b) GDPR a warning against MPIL because of the to pronounce identified violations of the GDPR, since both violations an increased risk of fraud, identity theft and spamming related to the affected users have contributed²⁶.

c. According to Article 58.2.i) GDPR against MPIL two fines of 150 million euros for violating Article 25.1 GDPR and 115 million euros to impose for the violation of Article 25.2 GDPR²⁷.

30. On November 28, 2022, the DSB received a memo stating the DPC's decision in the Following the comments of the Dutch, French, Belgian and explained to Polish regulators.

31. On December 6, 2022, the DPC will send a standard letter to the Disputes Chamber for forwarding to those affected who lodge a complaint with the DPO have submitted.

III. Reason

32. On the basis of the contents of the files known to the litigation chamber and on the

Basis of the powers conferred on it by the legislator under Article 95 § 1 GSD

the Disputes Chamber decides on the further processing of the file; in this case

24 para. 191 of the decision of the DPC.

25 para. 189 of the decision of the DPC.

26 para. 202 and 203 of the decision of the DPC.

27 para. 266 to 269 inclusive of the decision of the DPC.

Decision 29/2023 – 10/13

the Disputes Chamber excludes the appeal pursuant to Article 95 § 1 paragraph 3 GSD

the reasons given below.

33. When a complaint is closed, the Disputes Chamber must make its decision

substantiate step by step²⁸ and :

- make a technical procedure termination if the files are no or only

contains insufficient elements that could lead to a conviction, or

if due to a

technical obstacle leading to a decision

opposes, there is not a sufficient prospect of a conviction;

- or pronounce an administrative suspension if, despite the existence of

Elements that could lead to a sanction, the continuation of the examination of the

Act in light of the priorities of the DPA as set out in the

recruitment policy of the Litigation Chamber are indicated and explained

seems appropriate²⁹.

34

In the case of cessation for more than one reason, the reasons for cessation should

(technical setting or administrative setting) in the order of their importance

be treated³⁰.

In the present case, the Litigation Chamber has two reasons for the cessation of the lawsuit. The decision of the Disputes Chamber has two reasons, why it does not consider it desirable to pursue the matter further, and therefore decides, among other things, not to hold a hearing.

36. First of all, the Litigation Chamber points out that the company FACEBOOK IRELAND LIMITED (now: META PLATFORMS IRELAND LIMITED) already stated on May 25, 2018 has that it acts as data controller for the provision of FACEBOOK services within the European Union. Article 55.1. GDPR determines that any supervisory authority responsible for the exercise of its powers by the GDPR delegated tasks and powers within the territory of their own Member State is authorized. Article 56.1 of the GDPR further provides that the supervisory authority of Main place of business or the only place of business of the person responsible or the processor in accordance with the procedure set out in Article 60

28 Brussels Court of Appeal, Marktenhof Section, 19th Chamber A, Marktkammer, Judgment 2020/AR/329, 2 September 2020, p.

18

29 In this context, the Litigation Chamber refers to its recruitment policy, which is published on the website of DSB detailed

<https://www.gegevensbeschermingsautoriteit.be/publications/sepotbeleid-van-de-geschillenkamer.pdf>.

30 Cf. Title 3 – In which cases is my claim likely to be dropped by the Litigation Chamber? of the Litigation Chamber recruitment policy.

described

is:

Decision 29/2023 – 11/13

Supervisory authority for that controller or processor

carried out cross-border processing.

37. In certain circumstances, each supervisory authority retains the power to contact a

complaint submitted or any breach of this Regulation

deal if the subject of the cross-border matter involves only one

Establishment in their Member State or only for data subjects in theirs

Member State has significant consequences. In the present case, the Disputes Chamber

However, it is determined that neither of the two situations applies.

38. More specifically, in Ireland, where MPIL is headquartered, the regulator

act as the lead supervisory authority and

basically the exclusive one

Has jurisdiction over the data processing operations carried out by the disputed

Functionalities underlying the present case are caused³¹. Because of

The Disputes Chamber is therefore not within the exclusive jurisdiction of the Irish DPC

empowered to take a decision regarding MPIL³².

39. Second, the Litigation Chamber notes that the administrative procedure already includes

a resolution the subject matter of which is identified in your complaint

Violations are ³³.

Finally, the complaints filed with the DSB concerned a possible infringement

against Articles 32 to 34 GDPR. In contrast, the DPC joined

their investigation considers that the most important provision is Article 25 of the GDPR

was. Since the users had control over whether the data was accessible to "everyone".

or not, the key question, according to the DPC, was not whether an unauthorized

disclosure of personal data or any other form of violation of the

Protection of personal data existed, but rather to what extent suitable

Measures had been taken to ensure that the data protection principles

were taken into account when implementing the decisions of the MPIL users. From this

Therefore, the DPC focused its investigation on Article 25 GDPR and not

to Articles 32 to 31. 34 GDPR³⁴. The Disputes Chamber is of the opinion that the

DPC's decision to focus on Article 25 GDPR does not appeal to the plaintiff

disadvantage.

40

As part of the cooperation procedure in accordance with Article 60 GDPR,

Disputes Chamber finds that it has no relevant and reasoned objections to the

31 para. 5 to 10 inclusive of the DPC decision.

32 See criterion A.3. in the recruitment policy of the litigation chamber.

33 Decision IN-21-4-2 d.d. 25 November 2022 of the Data Protection Commission, made pursuant to Section 111 of the Data Protection Act 2018 and Article 60 of the GDPR in the matter of Meta Platforms Ireland Ltd. (formerly Facebook Ireland Ltd).

34 Memo d.d. 28 November 2022 on Comments/Feedback from Concerned Supervisory Authorities re IMI No 443156.1 on IN-21-4-2.

Resolution 29/2023 – 12/13

has draft resolution. Therefore, it is now assumed that the Disputes Chamber

agrees and is bound by the reasoning and decision of the DPC.

Furthermore, circumstances are not among the priorities of the litigation chamber

reconsider your claim to give you the opportunity to already taken

to review administrative decisions outside of normal appeal procedures, and

a fortiori if the decision in question is taken by another solely competent

supervisory authority was taken³⁵. The decisions of the Disputes Chamber can

namely not lead to a retrial of the administrative procedure, which in another

member state of the European Union for data protection reasons

were³⁶.

IV. Publication of the decision

41. Given the importance of transparency in the decisions of the Litigation Chamber,
this decision published on the website of the data protection authority.

42

In accordance with its hiring policy, the Disputes Chamber will notify the Respondent of its

Resolution with 37. The Disputes Chamber

has

namely

decided,

your

hiring decision

the defendant

communicate ex officio. The

However, the Chamber of Disputes refrains from such service if the plaintiff

requested anonymity from the defendant and the service of the decision

to the defendant, even if it is pseudonymised, still a (re)identification

of the plaintiff allows³⁸. However, that is not the case in the present case, especially since the plaintiffs

are not named in the decision of the Disputes Chamber.

43. Notwithstanding the above, the Disputes Chamber decides to uphold the present decision of

Officially also the Belgian branch of the defendant, FACEBOOK BELGIUM GmbH,

to transmit.

FOR THESE REASONS,

the Disputes Chamber of the Data Protection Authority decides after detailed deliberation,

discontinue the present action pursuant to Article 95 § 1 Paragraph 3 of the GSD.

³⁵ See para. 38 of the present decision.

³⁶ See criterion B.2.1. in the recruitment policy of the litigation chamber.

³⁷ See Title 5 - Will the closure of my lawsuit be published? Is the opposing party informed? about the

Litigation Chamber recruitment policy.

38 Ibidem.

Decision 29/2023 – 13/13

According to Article 108, § 1 GSD can appeal against this decision within a period of 30 days

Service at the Marktenhof (Brussels Court of Appeal) where the

data protection authority acts as a defendant.

Such an appeal may be made by a motion for appeal containing the provisions set out in Article

1034ter of the Judicial Code³⁹. The Appeal Request

must be submitted to the Marktenhof office in accordance with Article

1034quinquies des

Judicial Code⁴⁰ or via the e-Deposit informatics system of the judiciary (Article 32terdes

Judicial Code) are submitted.

In order to give the plaintiff the opportunity to consider other remedies, the

Disputes Chamber reminded the plaintiff of the explanations in its dismissal policy⁴¹.

(signed) Hielke HIJMANS

Chairman of the Disputes Chamber

39 “The application states, under penalty of nullity:

1° the day, month and year;

2° the surname, forenames and place of residence of the applicant and, where appropriate, his official title and his national registration or company number;

3° the surname, forenames, place of residence and, if applicable, the official title of the person to be summoned;

4° the subject and a brief summary of the means of the request;

5° the court before which the action is brought;

6° the signature of the applicant or his lawyer.”

40 “The application and its annex are to be sent in as many copies as there are parties involved by registered mail to the sent to clerk of the court or deposited with the clerk.”

41 See Title 4 - What can I do if my claim is dismissed? the Disputes Chamber's dismissal policy.

UNOFFICIAL TRANSLATION

December 2022

Subject: Data Protection Commission's data protection inquiry into

META PLATFORMS IRELAND LIMITED (formerly Facebook Ireland Ltd)

Dear,

related to data scraping. This investigation

As you know, the Irish Data Protection Commission (DPC) headed on its own in April 2021

Initiating an investigation against META PLATFORMS IRELAND LIMITED (hereafter MPIL
called)

is

completed and the DPC has published its decision on the matter.

The purpose of this letter is to provide you with the outcome of the work carried out by the DPC

Investigation that directly affects the subject matter of your complaint and

you a link to the published decision of the DPC after the conclusion of the

procedure to provide. The findings of the DPC refer to the

"Record" referred to in its decision. As far as you found

have that your data is included in this record, the findings relate

in deciding on your data.

The investigation

In April 2021, it was reported in the media that a collected data set with

personal data of Facebook users was made accessible on the Internet. This

Data set reportedly contained personal data of about 533 million

Facebook users worldwide. The data protection officer thought so

for appropriate

determine whether MPIL is fulfilling its obligations as data controller

in connection with the processing of personal data of its users by the

To Coimisiún at Chosaint Sonraí, 21 Cearnóg Mhic Liam, Baile Átha Cliath 2, Éire.

www.cosantasonrai.ie | www.dataprotection.ie | eolas@cosantasonrai.ie | info@dataprotection.ie Tel : +353 (01)7650100

Data Protection Commission, 21 Fitzwilliam Square, Dublin 2, Ireland.

UNOFFICIAL TRANSLATION

Features Facebook Search, Facebook Contact Importer, Messenger Contact Importer and

Instagram Contact Importer has performed its service or whether MPIL in this

Regards the provisions of the General Data Protection Regulation and/or the Data

Protection Act 2018 has breached and/or is in breach. Therefore, the decided

Data Protection Authority, an investigation under Section 110(1) of the Data Protection Act

to initiate in 2018. The investigation was launched in April 2021.

The decision

The DPA adopted its decision on November 25, 2022, noting that

that MPIL has violated the GDPR as follows:

- Article 25, paragraph 1, by failing to provide appropriate technical and

to

seize,

organizational measures

the

Data protection principles, in particular those set out in Article 5 paragraph 1 letters b and f of the

GDPR provided principles to effectively implement and the necessary

Include safeguards in the processing to meet the requirements of the GDPR

and to protect the rights of data subjects.

to aim

on it

the

• Article 25 paragraph 2 violated by the fact that there are no suitable technical and organizational measures taken to ensure that by default only personal data are processed for each specific purpose of processing are required. In addition, MPIL has violated Article 25 paragraph 2 violated because the default settings used by the MPIL are not have ensured that the personal data is not defaulted without Action of the data subjects of an indefinite number of natural persons would be made accessible.

To Coimisiún at Chosaint Sonraí, 21 Cearnóg Mhic Liam, Baile Átha Cliath 2, Éire.

www.cosantasonrai.ie | www.dataprotection.ie | eolas@cosantasonrai.ie | info@dataprotection.ie Tel : +353 (01)7650100

Data Protection Commission, 21 Fitzwilliam Square, Dublin 2, Ireland.

UNOFFICIAL TRANSLATION

In order to fix the above violations, the DPC exercised the following

Corrective powers in relation to MPIL from:

- an order pursuant to Article 58(2)(d) of the GDPR to MPIL, its bring processing into line with the GDPR;
- a warning to MPIL pursuant to Article 58(2)(b) of the GDPR;
- Two fines of €150 million and €115 million respectively (€265 million in total).

A copy of the decision on the investigation (redacted) is available on the website of the

DPC can be found at the following link:

https://www.dataprotection.ie/sites/default/files/uploads/2022-12/Final%20Decision_IN-21-4-2_Redacted.pdf.

Ending

We hope that the decision of the data protection officer in this matter and

the exercise of corrective powers, including the imposition of substantial

Fines that are considered "effective, proportionate and dissuasive" and the nature and the

reflecting the extent of the violations concerned, to a satisfactory conclusion

contribute to this matter.

Sincerely,

Data Protection Commission

To Coimisiún at Chosaint Sonraí, 21 Cearnóg Mhic Liam, Baile Átha Cliath 2, Éire.

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