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BfDI welcomes BGH's decision on Facebook

The Federal Commissioner for Data Protection and Freedom of Information (BfDI) Professor Ulrich Kelber sees the decision of the Federal Court of Justice (BGH) of June 23, 2020 as an important milestone for data protection.

The BGH had provisionally confirmed the Bundeskartellamt's accusation that Facebook was abusing its dominant position.

Professor Kelber said: I would like to thank the Federal Cartel Office for its initiative. Competition law and data protection go hand in hand. The judges do not consider Facebook's violations of the General Data Protection Regulation to be decisive in their decision. Nevertheless, the BGH emphasizes that the unrestricted creation of a profile based on the terms of use constitutes abuse. Even if it may still take some time before the final decision is made, this resolution provides clarity for the time being. I expect Facebook to accept the decision and stop processing the data.

The competition authorities had found prohibited behavior by a dominant company on Facebook. Private users would have to agree to the extensive terms of use. After that, Facebook also uses data from services such as WhatsApp, Instagram or sites outside of the social network. The user has no choice whether to allow this data linking. The Bundeskartellamt saw this as a violation by Facebook of the restrictions on competition. Among other things, the authority had referred to the General Data Protection Regulation. The BfDI had already pointed out the close connection between competition law and data protection in February 2019: BfDI press release dated February 7th, 2019

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.