

Bonn/Berlin, on February 7th, 2019

Press release 06/2019

Groundbreaking decision by the Federal Cartel Office on Facebook

The Bundeskartellamt has determined that Facebook holds a dominant position in Germany. This prevents users from being able to freely determine how their data is used. Therefore Facebook has to adapt its data processing.

The Federal Commissioner for Data Protection and Freedom of Information supports the decision of the Federal Cartel Office: According to Kelber, data is an important competitive factor in the 21st century. Facebook's current business model violates local data protection regulations in several respects. I have repeatedly criticized the fact that consent, as the essential basis for most data processing, does not meet the requirements of the GDPR. I am pleased that the Cartel Office has sent a clear signal here. Facebook must now act promptly and finally redesign its data processing in accordance with the law.

Facebook collects data not only on its own platform, but also via other services of the Facebook group as well as websites and apps with appropriate interfaces. The private use of the network is made dependent in the terms of use on Facebook being able to collect this user data and merge it under a Facebook account. The Cartel Office has decided that Facebook may no longer collect data from third parties without legally compliant consent. Appropriate consent must also be given in order to merge data from other Facebook services such as WhatsApp and Instagram.

Kelber explains: The present proceedings show how closely data protection and antitrust law are interwoven. The GDPR and antitrust law give the authorities powerful tools to effectively confront large international corporations. All responsible authorities will continue to work closely together in the future and use them consistently to protect citizens. After the Cartel Office, I now see the European data protection supervisory authorities as having a duty to step up and ensure that past violations are remedied and that all data protection regulations are complied with in the future. Corporations like Facebook cannot simply carry on as before.

English translation

Statement: Decision on Facebook by the Bundeskartellamt

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.