

Facebook appearance of the Hamburg authorities

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Many authorities in Germany use various social media platforms, including Facebook, for their external communication with citizens. This use through one's own appearances, so-called Facebook "fan pages", has been met with legal concerns for years.

As early as 2018, the ECJ ruled that the providers of these Facebook fan pages and Facebook itself are jointly responsible under data protection law. Violations by Facebook of European data protection law are therefore also attributable to the site operators. These are above all the storage of and access to data in the devices of the users without an effective legal basis and missing information.

On the occasion of the judgment of the OVG Schleswig of November 25, 2021, which had concluded a legal dispute that had lasted for years, the data protection conference (DSK) prepared a brief report on the current situation and the data protection conformity of the operation of Facebook fan pages, which confirms the problematic legal situation in this respect.

The data protection officers of the states and the federal government have decided to inform the respective highest federal and state authorities about the short report of the DSK, to clarify the legal situation and to work towards a deactivation of the pages by the authorities concerned, insofar as evidence of the data protection conformity of the fan page unsuccessful use.

The HmbBfDI informed the Senate Chancellery of the Free and Hanseatic City of Hamburg accordingly last week.

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