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Injunction against Facebook Ireland Ltd and Facebook Italy s.r.l. - June 14, 2019

Register of measures

no. 134 of 14 June 2019

THE GUARANTOR FOR THE PROTECTION OF PERSONAL DATA

IN today's meeting, in the presence of Dr. Antonello Soro, president, of dott.ssa Augusta Iannini, vice president, of dott.ssa Giovanna Bianchi Clerici and of prof.ssa Licia Califano, members and of dott. Giuseppe Busia, general secretary;

CONSIDERING the art. 1, paragraph 2, of the law of 24 November 1981, n. 689, pursuant to which the laws that provide for administrative sanctions are applied only in the cases and for the times considered in them;

NOTING that the Office of the Guarantor, with deed no. 10660/125145 of 28 March 2019 (notified by registered mail and certified email), which must be understood as fully reported here, objected to Facebook Ireland Ltd, in the person of its pro-tempore legal representative, with registered office at 4 Grand Canal Square, Grand Canal Harbour, Dublin 2, Republic of Ireland (hereinafter "Facebook Ireland"), and Facebook Italy s.r.l., in the person of its pro-tempore legal representative, with registered office in Milan, piazza Giuseppe Missori n. 2, tax code 06691680968 (hereinafter Facebook Italy"), the violations provided for by the articles 13, 23, 157, 161, 162, paragraph 2-bis, 164, 164-bis, paragraph 2, and 167 of the Code regarding the protection of personal data (legislative decree 30 June 2003, n. 196, hereinafter referred to as the "Code", in the wording prior to the changes that occurred following the entry into force of Legislative Decree No. 101/2018);

NOTING that from the examination of the documents of the sanctioning procedure initiated with the contestation of administrative violation, the following emerged, in summary:

- the Guarantor adopted, on 10 January 2019, provision no. 5 (in www.gpdp.it, web doc. n. 9080914, hereinafter "Provision"), to which reference is made in its entirety, following the outcome of the investigation of an administrative proceeding initiated against Facebook Ireland and Facebook Italy with reference to certain features of the software platform connected to the Facebook social network;
- in particular, following the news in the national and international press relating to the events of the Cambridge Analytica research company, the Guarantor formulated the two companies with the most requests for information regarding the

third-party application present on Facebook called Thisisyourdigitallife, on the circumstance that the personal data collected through this application had been shared with Cambridge Analytica for the purpose of psychological profiling of users and subsequent development of highly personalized promotional campaigns, as well as in relation to the Facebook login function, which would ultimately have allowed such sharing;

- the objective of the investigation conducted by the Authority was to ascertain whether the personal data of Facebook users transmitted by Thisisyourdigitallife to Cambridge Analytica also included those of Italian users, and whether the latter had knowingly allowed such data transmission. Another objective of the investigation was to ascertain whether, through products and messages conveyed via Facebook (in particular a message sent to Facebook users on 4 March 2018 and the Ballot - Candidati product), it had been possible to share personal data of Italian users, even attributable to their political orientations, on the occasion of the elections for the renewal of the Chambers of 4 March 2018 and if such sharings had taken place within the framework of legitimacy outlined by the Code;

- with reference to Thisisyourdigitallife, it emerged that 57 Italian users downloaded the application through the Facebook login function and that, due to the possibility, allowed by Facebook login, to share the data of "friends", this application acquired the 214,077 Italian users;

- based on the provisions of the Provision, "the communication by Facebook of its users' data to the "Thisyourdigitallife" app appears to have been carried out in a manner that does not comply with articles 13 and 23 of the Code, on the one hand, as it is based on unsuitable information and, on the other, because it took place in the absence of valid consent. The data transfer in question took place on the basis of a disclosure, provided to users when registering on Facebook, with an all-encompassing, generic and difficult to reconstruct content. Furthermore, consent cannot be considered expressly, specifically and freely expressed, given that, when the app was activated through the "Facebook login" function, users were not left with any alternative with respect to the complete transfer of data at the time given to Facebook (Version.1 of the aforementioned function), or it was allowed to make only partial variations, with opt-out mode, with respect to already "pre-flagged" choices (Version.2)";

- moreover, the Provision highlighted that the additional 241,077 Italian users, whose data had been acquired by the "Thisisyourdigitallife" application, without them having directly downloaded it, "could not have imagined, in granting their "friendship" on Facebook, that, as a result of this action, their data could have been transferred by third parties (the "friends"

who activated the "Facebook login" function) to platforms such as "Thisisyourdigitallife", and used for different and unknown purposes. Nor can it be argued, in this last regard [...] that even the user's "friends" had given their consent since, at the time of their registration on the Platform as users, they would have been informed that their "friends" could have shared their data with apps used on Facebook. On the contrary, the information in question, the contents of which were to be compulsorily accepted to register with Facebook, is not to be considered suitable for allowing the expression of consent with respect to treatments of this type. In fact, it is both generic and such as not to envisage alternative solutions to consent, and unsuitable - because it only describes the positive aspects of Facebook products - to inform the user exhaustively of the possible risks deriving from data sharing, such as those relating to the multiple purposes for which, through the apps used by "friends", they may be destined";

- as regards the Ballot product and the message sent by Facebook on the occasion of the Italian political elections of 4 March 2018, the Provision highlighted that "through the aforementioned services, Facebook has [...] processed a series of personal data, some of which are potentially "suitable for disclosing the political opinions" of Italian citizen-users, and therefore "sensitive data" pursuant to art. 4, letter d), of the Code. Such can be considered, in particular, the shares of users relating to whether or not they went to the polls and any further declarations in favor of the vote (both of which remained visible on the platform, even if allegedly not monitored by Facebook). Also relevant, although suitable for providing less unambiguous indications regarding the political opinions of the interested party, are the data relating to the consultation of the profiles of the candidates, in the vicinity of the elections. Nor, moreover, the answers provided to the Authority during the preliminary investigation and, in particular, the declaration of the social network [...] according to which the data on the use of the "Candidati" product would have been used only for the purpose of "generating metrics aggregated", can be considered sufficient and exhaustive, nor is it suitable for demonstrating the non-personal nature of this particular type of data pursuant to article 4, paragraph 1, letter b) of the Code, with the consequent applicability of the related rules";

- on the basis of the considerations referred to above, the Office charged the two companies with the violations indicated in the epigraph;

NOTING that with the aforementioned deed of 28 March 2019, Facebook Ireland and Facebook Italy were challenged;

a) the violation of the provisions of art. 13 of the Code, sanctioned by the following art. 161, with reference to the unsuitability of the information provided to Facebook users in relation to the sharing of their data with third parties on the occasion of the

use of specific products present on the social network;

b) the violation of the provisions of art. 23 of the Code, sanctioned by the subsequent art. 162, paragraph 2-bis, for having carried out the processing of personal data referred to above without having acquired free, specific and informed consent from the interested parties;

c) the foreseen violation of the provisions of art. 157 of the Code, sanctioned by the subsequent art. 164, for failing to provide adequate response to a request for information and presentation of documents;

d) the violation provided for by art. 164-bis, paragraph 2, of the Code, for having carried out the conduct under a) and b) in relation to databases of particular relevance or size;

GIVEN that, for the violations referred to in points a), b) and c), a reduced payment was made, pursuant to art. 16 of law no. 689/1981, communicated to the Authority on 28 May 2019; having also noted that for the violation referred to in point d) the right to extinguish the sanctioning procedure by means of a reduced payment is not envisaged;

READ the written defense presented by Facebook Ireland on April 25, 2019 and acknowledged that, with the aforementioned communication of May 28, 2019, the same company renounced the hearing requested pursuant to art. 18 of the law n. 689/1981;

HAVING ACKNOWLEDGED also that Facebook Italy has not presented written defenses nor has it requested to be heard by the Authority;

Having noted that in the defense briefs presented on 25 April 2019, which are understood to be referred to in full here, in summary it is represented that:

- "Facebook Ireland has filed an opposition against the Provision before the Court of Rome, where the proceeding is pending before the Foreigners Personal Rights Section, Judge Dr. Sangiovanni, with the N.R.G. 21580/2019, awaiting scheduling of the hearing (the "Opposition"). Facebook Ireland also intervened in the opposition filed before the Court of Milan by Facebook Italy, pending with the N.R.G. 13161/2019 before Judge Dr. Di Plotti of the I Civil Section, hearing set for December 4, 2019, notification pending (the "Intervention"). With the Opposition and Intervention, Facebook Ireland requested the annulment of the Provision as issued by the Guarantor outside its powers and competence, moreover following a proceeding in which it was clarified beyond any doubt that Facebook Ireland could not be subject to examination under Italian law";

- "the Opposition is based on the reasons listed below. Their complete illustration is contained in the attached opposition

appeal, the objections and arguments of which are expressly referred to for the purposes of this brief”;

- in the appeal in opposition referred to above it is highlighted with reference to the question of jurisdiction, that "despite the fact that from the first reply to the Guarantor - and in every subsequent communication - Facebook Ireland has underlined that it is exclusively the "data controller" of the data under discussion, both as regards the Cambridge Analytica issue and the "Candidati" product, and having clearly objected to the lack of jurisdiction of the Guarantor and the inapplicability of Italian law, the Guarantor nevertheless decided to pronounce, with a provision addressed without distinction to Facebook”;

- "In cross-border processing, as in the case of the Facebook Platform, the question of the applicable law and the competence of the national privacy authority has been dealt with starting from the sentence rendered by the CJEU in the FanPage case, which clearly states that, in the case of of processing with multiple establishments within the EU, the supervisory authority of a Member State will be able to exercise the powers conferred by Article 28(3) of Directive 95/46 in the circumstance where the processing is carried out in the context of the activities of an establishment in that Member State”;

- "It follows that, even if it were to be deemed applicable (quod non), Italian data protection law could only be applied with reference to a company established in Italy which operates as an establishment of Facebook Ireland, data controller for Facebook services in the EU, and only to the extent that such data processing activity is carried out in the context of the activities of the Italian establishment (which is not the case for Facebook Italy [...])”;

- “The GDPR, and in particular the art. 56, referred to in the device by the Guarantor himself, regulates the complex issue of cross-border data processing on the Internet also from the point of view of the powers of the various national authorities. In doing so, it assigns exclusive and mandatory competence to the lead Authority (in this case the Irish Privacy Authority - IDPC, given the headquarters of the data controller)”;

- "Under a different and further profile, the Provision proves to be irreparably flawed as it was issued on the basis of Italian law, no longer in force at the time of the ruling, as it was replaced by the GDPR, and in any case not applicable to Facebook Ireland in the context of the Provision of the Guarantor ”.

- on the merits, in general "the decision of the Guarantor takes a position in relation to the numerous topics subject to the investigation, focusing its complaint on two issues: (i) the events of Cambridge Analytica and access to data that a specific third-party application had between November 2013 and December 2015 through the "Facebook Login" function; (ii) the "Candidati" product and the "message" dated 4 March 2018 to Italian users informing them of the political elections. In this

regard, it should be noted that, while firmly contesting the conclusions reached by the Guarantor in relation to the "Candidates" product and the "message" of 4 March 2018, Facebook Ireland has in any case fully implemented, on a voluntary basis, the provisions of the Provision, and does not intend in the future to launch the "Candidati" product in Italy in the same form taken into consideration by the Provision”;

- on the unsuitability of the information "Facebook Ireland makes a particular effort to inform users about how they can control their data and how data can be shared. In addition, users are given the opportunity to make informed choices about whether to share their data and with whom. In this regard, during the Relevant Period, the Facebook platform was set up to inform users, through different and synergistic methods, with respect to: (a) how third-party apps could collect user data, including friends' data of users; and (b) how users could limit or exclude apps from accessing their data”;

- "It must also be considered that, following direct experience of interaction with apps on the Facebook platform, the majority of users were aware of how third-party apps (which acted as independent data controllers and were therefore subject to transparency obligations own) were trying to collect data, including data about users' friends. This is because Facebook is a social networking service. Users are well aware that within the service the default position is that information will be shared unless users exercise the available options to change this setting and share information with a smaller audience by default, as described below ”;

- on the failure to acquire a specific and free consent "The role of Facebook Ireland in relation to the sharing of data between users and third-party apps through the "Facebook Login" is ultimately that of an online intermediary, which facilitates sharing choices of data freely made by users, in line with their freedom of expression of thought and with the public interest of promoting the free circulation of data. In general, the choice of what and how much to share, through the technical features integrated into the Facebook Platform, is left to the users, not to Facebook Ireland. The legislation on the protection of personal data recognizes that (a) in the context of complex data processing cases, involving a multiplicity of actors / controllers, the nature of the individual roles covered by the different controllers must be considered, and (b) legal liability needs to be calibrated with reference to the particular roles played by controllers individually. This approach is consistent with the principle of proportionality inherent in European legislation, which must be applied in the context of data protection. Since user-to-app data sharing involves a multi-owner model involving users, app developers and Facebook Ireland, which plays the role of intermediary, it is necessary to evaluate how the legal liability of the different subjects”;

- "during the Relevant Period, all users who chose to use Facebook could control: (a) what they chose to insert in their public profile (with the exception of very limited information that was required to have an account on Facebook and which had to be public) ; (b) what data they chose to share with their friends; and finally (c) the extent to which data users chose to share with their friends was accessible to apps (using the granular controls of the "Apps that others use" setting or using the general control of the " Universal Opt-Out")";

- "the flow of information for a user who wanted to install an app during the Relevant Period is represented below: When a user wanted to use Facebook Login to access a third-party app, a screen appeared on the user's screen authorization requiring you to authenticate your Facebook login credentials; and if authentication was provided, the app could: (i) request the user's authorization to access certain specific categories of user data; (ii) request the user's authorization to access certain categories of data of the user's friends, (even if the latter data can only be accessed from the app when this is consistent with the setting adopted by the user's friends concerned via the privacy controls, as described above); and (iii) request your permission to "write" or post content on Facebook on your behalf";

- "The Thisisyourdigitallife App was installed by 57 Italian Facebook users. According to Facebook Ireland, the data of other Italian users up to a maximum number of 214,077 were shared with the App through "friends" (including "friends" outside the Italian territory) who had in turn installed the ' App. This is not an anomalous or particularly high number, if we consider that the number of Italian Facebook users involved also includes people who were "friends" of other Facebook users around the world, and that Facebook is a social network whose mission is "to give people the power to build a community and to bring the world together". It is intrinsic to a social network - it is in its nature - that users register in order to find and share information with their friends and existing family members and their future contacts";

CONSIDERING that the arguments put forward by Facebook Ireland are not suitable for determining the closure of the sanctioning procedure initiated with the notification of the notice of dispute, for the reasons set out below:

- the competence of this Authority - objected to in the defense briefs - to know the treatments in the context of which the disputed violations were carried out was, implicitly but unequivocally, recognized by the same party, upon payment of a reduced amount of the penalties referring to the offenses referred to in letters a), b) and c) of p. 3, to no avail, noting the challenge of the January 2019 provision in this respect;

- not only, in fact, the jurisprudence of legitimacy but also the Constitutional Court, with ord. 46/2007 - he stated - in relation to

the violations of the highway code, but with arguments of a more general value - how the reduced payment precludes the possibility of filing a judicial appeal, as it manifests the will to comply with the ascertainment of the liability for alleged torts;

- the deflationary purpose of the reward institute, in fact, necessarily follows a preclusive effect with regard to disputes, by the offender, of the charges attributed to him, as well as to "actions of any nature with which the offender claims to call into question the legitimacy of the 'ascertainment of the infraction, on which (....) he acquiesced with the reduced payment", with effects and ratios entirely similar to those of the oblation (Cass., section II, sentence 8 June 2009, no. 13101);
- similarly, it was stated that "the so-called reduced payment, (...) involves only an incompatibility (as well as an implicit waiver) to assert any objection relating both to the pecuniary sanction imposed and to the disputed violation, and of the sanction pecuniary is the legal prerequisite" (Cass. Civ. Sez. United Sent., 29 July 2008, n. 20544);
- it is significant, moreover, that in regulating the sanctioning procedure in the new legal framework on data protection, art. 166, paragraph 8 of the Code as amended by Legislative Decree no. 101/2018, provides for the alternative payment of a reduced amount or the appeal of the sanction provision;
- from this it follows, with reference to the case in question, that the reduced payment of the penalties relating to three of the four alleged violations expresses acquiescence (and therefore does not allow further objection here either) in terms of profiles, such as the competence of the Guarantor and the very existence of the offenses in question, to which the violation that is sanctioned here is functionally and structurally connected and complementary;
- what has been found therefore demonstrates the groundlessness of the objections advanced by the party, who must therefore be held responsible for the alleged offenses, proceeding here with the imposition of the sanction for the violation referred to in article 164-bis, paragraph 2, of the Code, referring to the conduct for which Facebook paid a small amount, which involved approximately 214,020 users, whose data were unduly communicated to the "Thisisyourdigitalife" application;
- moreover, with regards to the ownership of the treatments examined, if on the one hand it appears indisputable, through the admission of Facebook Ireland itself, that the latter must ascribe the ownership of the treatments connected to the use of the social network, the same conclusion must come with reference to Facebook Italy, a company incorporated under Italian law belonging to the Facebook group which, according to its statute deals with "any activity directly or indirectly connected to the purchase and sale of online advertising space or any other commercial transaction relating to online advertising space in the broadest sense of the term, including, but not limited to, offers to buy, sell and supply online advertising space, negotiate

contracts relating to online advertising space, implement strategies marketing related to offers for the sale of advertising space and all other public services bidders provided to advertisers, advertising agencies and other third parties". In consideration of the fact that the concept of "online advertising space" also includes Internet users to whom the promotional activity is addressed, and that the acquisition of data from these users falls within the category of marketing activities of third party developers of applications conveyed through the Facebook login function (Facebook Ireland itself in the appeal in opposition stated that "the majority of users were aware of how third-party apps [...] tried to collect data, including data from friends of users" evidently with commercial intentions), the ownership of the treatments which are based on the communication of personal data of Italian interested parties for commercial purposes must also be traced back to Facebook Italy, a company in charge of both the sale of advertising space (and therefore the related "package" of personal data that can be acquired) and the development of marketing strategies aimed at providing use of "all other advertising services provided to advertisers, advertising agencies and other third parties" (such as, for example, those included in the Facebook login function);

- as regards the aspects related to jurisdiction and the principle of establishment, it must be observed, as already stated several times by the Guarantor in the validity of the legislation applicable to the case in question (Directive 95/46/EC and the Code regarding the protection of personal data in the previous formulation to the changes introduced by Legislative Decree No. 101/2018, due to the *tempus regit actum* principle), that they were examined in opinion 8/2010 adopted by the Article 29 Working Party for data protection on 16 December 2010, which notes that "to determine whether one or more laws apply to the different stages of processing, it is important to keep in mind the overall picture of the processing activity: a set of operations carried out in a number of different states States, but all intended to serve a single purpose [...] In such circumstances, the notion of "context of the activities" is decisive for determining the applicable law, and not the location of the data. and "context of activity" does not imply that the applicable law is that of the member state in which the controller is established, but that of the country in which an establishment of the controller carries out activities related to the data processing"; therefore the context of the activities must not be considered anchored to formal parameters, such as the registered office of the owner or the location of the servers containing the personal data, but to considerations related to the actual activity carried out and to the subjects to whom it is addressed;

- in the case in question, the activities examined were unequivocally addressed to Italian users through the sections that Facebook reserves for them to use the social network services. Therefore, the close correlation between the Italian territory

and the context of the processing operations carried out, which mostly concerned Italian users, appears evident;

- even if referring to the activities of a search engine managed by a non-European subject, the provisions of the sentence of the Court of Justice of the European Union, C-131/12, must also be taken into consideration. In particular, point no. 60 of the aforesaid judgment states that "a processing of personal data is carried out in the context of the activities of an establishment of the person responsible for such processing in the territory of a Member State [...] if the operator of a search engine opens in a Member State a branch or subsidiary intended for the promotion and sale of advertising space offered by that search engine and the activity of which is aimed at the inhabitants of that Member State";

- in the case in question, the elements referred to in the aforementioned principle apply, such as the existence of a company incorporated under Italian law (Facebook Italy) in charge of marketing advertising space, and the circumstance that the activity is aimed at citizens of the State where it registered office of that company;

- from the above considerations, it must be confirmed that the existence of the Irish company, in which the ownership of the processing must be attributed (together with Facebook Italy), has not changed the evaluation parameters of the jurisdiction and that, therefore, in the case of in particular, the provisions of the Code apply;

- with reference to the merits of the question, if on the one hand it seems surprising that Facebook Ireland qualifies, contradicting its own premises, as a mere intermediary, a sort of "traffic regulator" in a space in which they interact with differentiated and not always adequate levels of awareness of social network users and independent data controllers, on the other hand, in relation to the legislation on the protection of personal data, the assumption that the critical issues identified in the preliminary investigation can be "neutralized" by the simple consideration that "Facebook is a social network whose mission is to give people the power to build a community and to bring the world together" and which "is an intrinsic character of a social network - it is in its nature - that users register in order to find and share information with their existing friends and family and their future contacts";

- from this scenario, outlined by the default settings of Facebook users with reference to the sharing of the information detectable from their profile, the disproportionate and abnormal circumstance emerged, according to which the use, by 57 Italian users, of the Thisisyourdigitallife application through the Facebook login function led to the sharing of personal data of as many as 214,077 additional users;

- the data, in itself, is suitable for highlighting that, in addition to the critical issues identified in the Provision, concerning the

release of the information and the acquisition of consent by Facebook, the same elements presented by Facebook Ireland in the defense brief are completely insufficient to outline an operating practice, in the management of third party applications within the social network, respectful of the provisions of the Code;

- it is in fact confirmed, precisely by the defense briefs and by the aforementioned notice of appeal in opposition that, when users accessed the application, only they were issued a disclosure which illustrated the possibility of preventing the sharing of certain personal data, one's own or that of friends, and always only to them was then requested, by the application, the authorization to "access certain specific categories of user data; [...] access certain categories of data about your friends, (even if this latter data is only accessible from the app when this is consistent with the setting adopted by the friends of the affected user through the privacy controls, as described over); [...] "write" or post content on Facebook on your behalf". The remaining 214,020 users, reached only by the general information provided by Facebook upon registration, could only exercise forms of control attributable to the opt-out consent regime ("using the granular controls of the setting "Apps that others use " or using the general control of the "Universal Opt-Out option"), not compliant with the provisions of art. 23 of the Code;

- therefore, with reference to these 214,077 users, who have not had any information regarding the communication of their data to the Thisisyourdigitallife application, the violation of the provisions pursuant to articles 13 and 23 of the Code;

- moreover, since for the consistency of the overall database formed following the communication of information to Thisisyourdigitallife the same must be qualified as "of particular relevance or size", the violation referred to in the art. 164-bis, paragraph 2, of the Code;

NOTING, therefore, that Facebook Ireland and Facebook Italy, on the basis of the above deeds and considerations, appear to have committed, in their capacity as data controller, pursuant to articles 4, paragraph 1, lett. f), and 28 of the Code, the violations indicated in points a) and b) of the notification no. 10660/125145 of 28 March 2019, for which a short definition has taken place and, consequently, the violation provided for by art. 164-bis, paragraph 2, for having committed the violations referred to in points a) and b) in relation to databases of particular relevance or size;

CONSIDERING the art. 164-bis, paragraph 2, of the Code that for violations of a single or more provisions indicated in part III, title III, chapter I of the Code (with the exception of those envisaged by articles 162, paragraph 2, 162-bis and 164), committed in relation to a database of particular importance or size, imposes the administrative sanction of payment of a sum from 50,000 to 300,000 euros;

CONSIDERING that, for the purposes of determining the amount of the pecuniary sanction, it is necessary to take into account, pursuant to art. 11 of the law n. 689/1981, of the work carried out by the agent to eliminate or mitigate the consequences of the violation, the seriousness of the violation, the personality and economic conditions of the offender;

WHEREAS, in the present case:

a. with regard to the aspect of gravity, with reference to the elements of the extent of the injury or danger and the intensity of the psychological element, the violations are particularly serious having regard to the mechanism according to which the mere access of 57 users to the The Thisisyourdigitallife application resulted in the sharing of personal data of as many as 214,077 users;

b. for the purpose of evaluating the work performed by the agent, the fact that the companies have taken steps, in particular for the aspects connected with the use of the Ballot product, to comply with the instructions given in the Provision, as represented in the note sent to the Authority on 21 February 2019;

c. regarding the personality of the perpetrators of the violation, the fact that the Companies are not burdened by previous sanctioning proceedings defined briefly or following an injunction must be considered;

d. with regard to the economic conditions of the companies, the financial statements for the year 2017 of Facebook Italy and the information on the total turnover and on the shareholders' equity of Facebook Ireland were taken into consideration;

CONSIDERED, therefore, of having to determine, pursuant to art. 11 of the law n. 689/1981, the amount of the pecuniary sanction, based on the aforementioned elements assessed as a whole, in the amount of Euro 250,000 (two hundred and fifty thousand) for the violation pursuant to art. 164-bis, paragraph 2, of the Code.

CONSIDERING also that, in relation to the economic conditions of the offenders, having regard in particular to the data relating to the total turnover, the number of worldwide and Italian users, the aforementioned pecuniary sanction is ineffective and must therefore be increased by four times, as provided for by art. 164-bis, paragraph 4, of the Code (from €250,000 to €1,000,000);

HAVING REGARD to the documentation in the deeds;

CONSIDERING the law n. 689/1981, and subsequent modifications and additions;

HAVING REGARD TO the observations of the Office formulated by the Secretary General pursuant to art. 15 of the Guarantor's regulation n. 1/2000, adopted with resolution of 28 June 2000;

SPEAKER Dr. Antonello Soro;

ORDER

to Facebook Ireland Ltd, in the person of its pro-tempore legal representative, with registered office at 4 Grand Canal Square, Grand Canal Harbour, Dublin 2, Republic of Ireland, and Facebook Italy s.r.l., in the person of its pro-tempore legal representative, with registered office in Milan, piazza Giuseppe Missori n. 2, tax code 06691680968, to pay, jointly and severally, the sum of 1,000,000 euros (one million) as an administrative fine for the violations indicated in the justification;

ENJOYS

to the aforementioned companies to pay, jointly and severally, the sum of Euro 1,000,000 (one million), according to the methods indicated in the attachment, within 30 days of notification of this provision, under penalty of the adoption of the consequent executive deeds pursuant to art. . 27 of the law of 24 November 1981, n. 689.

Pursuant to articles 152 of the Code and 10 of Legislative Decree lg. no. 150/2011, opposition to this provision may be lodged with the ordinary judicial authority, with an appeal lodged with the ordinary court of the place where the data controller has his residence, within the term of thirty days from the date of communication of the provision itself or sixty days if the appellant resides abroad.

Rome, June 14th 2019

PRESIDENT

Soro

THE SPEAKER

Soro

THE SECRETARY GENERAL

Busia