

FAQ about Facebook fan pages

As of June 22, 2022

1. What exactly is a Facebook page or a fan page?

Companies, brands, groups or public figures

use Facebook fan pages - also called Facebook pages - for

their own presentation on the Facebook platform.

The pure Facebook profiles of the registered users are to be distinguished from this

which are assigned to private individuals.

While a profile is set up largely for private purposes,

Facebook fan pages are operated in a business / non-private context.

Facebook fan pages, especially for small businesses, do not

replace the classic company website or supplement it.

2. Why is the operation of Facebook fan pages subject to data protection law

problematic?

Meta Platforms, as the operator of the Facebook service, processes the data of

users not solely for the purpose of providing a social

interactive network, but also for advertising purposes that are fine-grained

set up profiles of users in order to provide them with "tailor-made" advertising in the

real world. To be able to place orders from companies, associations, parties etc.

the personal data in what way specifically processed

however, remains largely unclear.

The European Court of Justice (ECJ) ruled on June 5, 2018 (C-

210/16, "Wirtschaftsakademie") confirm the opinion of the supervisory authorities

stipulates that operators of Facebook fan pages are (jointly) responsible for the processing

processing of user data. The "Insights" function is used to generate fan page

analytics. Facebook drivers provided a user analysis for their pages on Facebook. Under

Among other things, because of this function, the ECJ found that for the

Processing of personal data is a joint responsibility

between the fan page and platform operators.

As joint controllers with Meta Platforms, fan page operators must

Comply with the requirements of the GDPR and - among other things - a

conclude an agreement on joint responsibility that

requirements of Art. 26 GDPR are fulfilled. The current one presented by Meta Platforms

put addendum does not meet these requirements.

Those responsible do not know exactly what data processing is taking place,

you can have your personal data processed in accordance with the law

not ensure. This also applies to the question of the extent to which

Transmission of personal data to non-European countries takes place

de. This is only permissible if the requirements of Art.

44 ff. General Data Protection Regulation (GDPR) are complied with (see

also the press release of the conference of independent data protection

Federal and state supervisory authorities from June 21, 2021, available

at: [https://www.datenschutzkonferenz-online.de/me-](https://www.datenschutzkonferenz-online.de/media/pm/2021_pm_neue_scc.pdf)

[dia/pm/2021_pm_neue_scc.pdf](https://www.datenschutzkonferenz-online.de/media/pm/2021_pm_neue_scc.pdf)).

The exact legal problems in running a Facebook fan page

the conference of independent federal data protection supervisory authorities

and the countries presented in a short report, which can be accessed at

[https://datenschutzkonferenz-online.de/media/weitere_doku-](https://datenschutzkonferenz-online.de/media/weitere_dokumente/DSK_Kurzgutachten_Facebook-Fanpages_V1_18.03.2022.pdf)

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3. What would happen for a privacy-compliant use of Facebook fan

pages required? What can those responsible do?

Fan page operators must ensure the legal conformity of the

be able to ensure and prove data processing (see also the decision of the DSK, available at https://datenschutzkonferenz-online.de/media/dskb/DSK_Beschluss_Facebook_Fanpages.pdf). This is then for the operation of Facebook fan pages currently not possible. responsible In this situation, you can only deactivate your fan pages until they are able to fulfill their obligations under the GDPR. For the fulfillment of the data protection requirements is a participation from Meta Platforms required. Operator of Facebook fan pages and meta Platforms must jointly ensure that the users of Facebook are informed about the processing of your data when you visit Facebook fan pages and the processing is based on an effective legal basis location takes place. According to Art. 26 GDPR set out in an agreement internally how GDPR compliance is guaranteed.

4. Do Facebook fan pages have to be deactivated immediately?

If the processing of personal data cannot be carried out in a legally manner are maintained, the operation of a Facebook fan page is illegal. the up Regulators have been pointing out the problems for years. transitional The GDPR does not know any deadlines.

5. Do the same problems exist with other social media services?

ten (e.g. Instagram, Twitter, TikTok, etc.)?

In fact, many of the findings are likely to apply to other social media be transferrable. The circumstances are often very similar, so that the legal assessment can be transferred accordingly. An explicit judicial So far, however, there has only been clarification for the operation of Facebook fan pages.

6. Does the DSK notice only apply to public bodies and may companies

continue to operate their Facebook fan pages?

The most recent and final judgment of the Schleswig-Holstein Oberver-

administrative court has issued a deactivation order from the state commissioners

Schleswig-Holstein confirmed to a non-public body. As well as

The following applies to both public and non-public bodies:

Facebook fan pages may only be operated if the data

Conformity of the company with property rights is ensured and proven

can be seen. Public bodies are particularly legal

obliged to act in accordance with the law. Therefore and because of their role model

The data protection supervisory authorities are now taking this function as a matter of priority
the duty.

7. Public bodies are now not allowed to do any public relations work on the Internet

operate more?

Of course, public bodies can and should do so within the scope of their tasks

also do public relations. However, this must not be

use of unlawful means.

8. May a Facebook Page continue to operate if certain

Limits are observed (e.g. publication of all published there

Information also via another communication channel, waiver

to new postings / comments)?

As long as the operation of a Facebook page is not carried out in a legally compliant manner

can be, further operation constitutes a violation of the TTDSG and

the GDPR. Since the data protection problems with Facebook fan

pages exist largely independently of their respective content,

neither can they by adapting the content, but exclusively

can be solved by turning off the page. As soon as sufficient

ments by Meta Platforms have led to a data protection

legal conformity is given, a Facebook fan page could then

which will be put into operation.

9. Must responsible persons now with fines or measures of

regulators count?

The supervisory authorities have the task of ensuring data protection compliance

monitor and enforce processing of personal data.

You can use various measures to do this, for example

order that specific unlawful data processing be stopped

ben has. They can also impose fines on non-public bodies

hang.

According to applicable German law, public authorities are currently unable to participate

fines are imposed. But of course you have to be right

and keep the law.

In addition, according to Art. 82 GDPR, each data subject has the

Possibility of claims for damages due to any damage incurred

to assert against those responsible.

10. Why don't regulators go head-to-head against Meta Platform

forms?

Under the General Data Protection Regulation, in Europe, the Irish data

protection supervisory authority responsible for the supervision of Meta Platforms and

their services, such as Facebook. For the operators of fan pages,

However, the respective supervisory authorities at the headquarters of the fan page operator are responsible

digital The German supervisory authorities work in the European data

protection committee with the Irish regulator on cross-border

the cases together. You are using the so-called cooperation procedure

of the GDPR in certain circumstances to decisions of the Irish

Regulatory authority for Facebook and other Meta Platforms services

participate.

As the supervisory authorities directly responsible for the operators of fan

pages, the German regulators are going – in line with the bid

the effectiveness of hazard prevention - against the local operators of fan

pages before.