

ADMINISTRATOR OF A FAN PAGE LOCATED ON A SOCIAL NETWORK

AS AN OPERATOR

On June 5, 2018, the Court of Justice of the European Union issued a judgment in case C-210/16, which is related to proceedings *Unabhängiges Landeszentrum für Datenschutz Schleswig Holstein v*

Wirtschaftsakademie Schleswig Holstein GmbH.

In this judgment, he decided, among other things, that Article 2 letter d) directives of the European Parliament and Council 95/46/EC of 24 October 1995 on the protection of natural persons in the processing of personal data and the free movement of this data should be interpreted in the sense that the term "operator" in terms of this provision, includes the administrator of a fan page located on a social network networks.

Fan pages are user accounts that can be created on the social network Facebook in particular individuals or businesses. For this purpose, the author of the fan page can do his own thing registered on Facebook to use the platform operated by Facebook to to present himself to the users of this social network, as well as to the people who visit this page, and disseminated information and opinions of any kind on the media market. Fan Page Admins may obtain anonymous statistical data about visitors to these pages through a feature called Facebook Insight provided to them free of charge by Facebook under unchanged conditions of use. This data is collected through hidden means files (hereinafter referred to as "cookies"), each of which contains a unique code of a user who is active for a period of two years and is stored by Facebook on the hard drive of the computer or other device of the visitors of the fan site. Code a user that can be assigned to the connection data of users registered on Facebook, is collected and processed when opening fan pages.

From the reasoning of the judgment, we present:

Every person who intends to create a fan page on Facebook concludes

with Facebook Ireland a separate agreement regarding the establishment of such site, pursuant to

which you agree to the terms of use of this site, including the related policy in the area

cookies, which is up to the national court to verify.

The administrator of a fan page located on Facebook by creating such a page allows

to Facebook to place cookies on your computer or any other

device of the person who visited his fan page, regardless of whether that person has

or does not have a Facebook account.

The creation of a Facebook fan page by its administrator means that he has set up

parameters, among other things, according to their target group, as well as their management or support goals

activities, which has an impact on the processing of personal data for the purpose of compiling the statistics obtained

based on fan site visits. This administrator can use the filters that he

provided by Facebook, to define the criteria on which these statistics are to be based

developed and also define the categories of persons whose personal data will be used by the company

Facebook. The administrator of the fan page located on Facebook therefore contributes

to process the personal data of visitors to your site.

1

The administrator of the fan page located on Facebook, with its parameter settings,

among other things, according to its target group, as well as the goals of managing or supporting its activities,

participates in determining the purposes and means of processing the personal data of its visitors

fan page. For this reason, in the present case, this administrator must be in the meaning

Article 2 letter d) of Directive 95/46 considered in the Union as an operator together with the company

Facebook Ireland.

Under these conditions, the recognition of the joint responsibility of the social operator contributes

network and the administrator of the fan page located on this network in connection with the processing

personal data of visitors to this fan page in accordance with the requirements of the directive

95/46 to guarantee better protection of the rights of persons who visit the fan site.

The existence of joint responsibility does not necessarily imply the same responsibility of different ones

entities involved in the processing of personal data. These entities can be vice versa involved in this processing at different stages and degrees, so the degree of responsibility of each of them must be evaluated from the point of view of all the relevant circumstances of the matter under discussion. Based on the above facts, we recommend to the administrators of fan pages placed on Facebook to contact Facebook as they are together responsible for processing the personal data of visitors to the fan site.

Please note that the judgment on the interpretation of European Union law has general effects in this to the extent that all national courts are bound by such an interpretation, until the decision of the Court of Justice on another preliminary question, in which the previous interpretation can be clarified or even change.