

Media Update

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Update: Reaction by the Irish ODPC

In a “standard” reply to the press the ODPC has reacted to our criticism, if you see this reply as a reaction on our claims. We feel that we have to rectify the wrong claims by the ODPC:

- First we want to stress that the ODPC does in no word react to our critique which is that we were practically locked out of our own procedure by not granting us any right to access to the files, the arguments by Facebook and the evidence. We are still waiting for a reaction on these crucial issues that would allow a reevaluation of the fairness of the procedure we are engaged in.
- The ODPC claims that it has answered our questions before. This is not true. The responses were not clear, were even changing over time and did often time not even answer the raised questions. While there were letters exchanges the ODPC made it a point to never give us a clear answer that we would have been able to work with. Whenever we rephrased the question in a more precise way the ODPC ignored our questions repeatedly, giving us effectively now answer to the raised questions.
- The ODPC claims that it has cooperated with us intensively. This is wrong. Concerning the case itself we filed the complaints, got the report in December 2011 (just like the public) and had a one hour (!) meeting where the ODPC has let us know that it will not discuss our questions. This is nothing compared to the weeks the ODPC has talked to Facebook, which is the other party of this preceding.
- The ODPC says it wants to move on with the proceeding, which leaved the question open how this should be done if it does not talk to one of the two parties that are before it? We are questioning if the ODPC is now of the belief that we are now also formally kicked out of our own proceeding?
- The ODPC has expressed that is it sorry that we are not happy with the service we received. It seems that the ODPC does not understand that we are not complaining about a cold coffee at a Starbucks, but about the denial of the most basic procedural rights. This reaction shows how the ODPC has no understanding for the rights at stake.
- The ODPC claims that we might be unaware of the Irish law. We are well informed about the law through our lawyers. The fact that Ireland has a common law system does not mean that the ODPC can simply deprive European citizens of the most basic rights and that the EU law does not apply to Ireland. We have repeatedly expressed our understanding for a different approach, but we cannot accept a total denial of any interaction in the proceeding.
- Concerning the text message we got on Friday, we have to say that we called the ODPC twice and we were informed that the responsible officer is out of the office. The text message was the first reply we received concerning these calls.