

To the
European Commission
(Secretary-General)
B-1049 Bruxelles
BELGIUM
(E-Mail: SG-PLAINTES@ec.europa.eu)

**COMPLAINT
TO THE COMMISSION OF THE EUROPEAN COMMUNITIES
CONCERNING FAILURE TO COMPLY WITH COMMUNITY LAW**

1. *Surname and forename of complainant:*

2. *Where appropriate, represented by:*
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3. *Nationality:*

4. *Address or Registered Office:*

5. *Telephone/fax/e-mail address:*

6. *Field and place(s) of activity:*
-
7. *Member State or public body alleged by the complainant not to have complied with Community law:*

Office of the Data Protection Commissioner
Canal House, Station Road
Portarlinton, Co. Laois,
IRELAND

Phone 00353 57 868 4800
Fax 00353 57 868 4757
E-Mail info@dataprotection.ie

8. *Fullest possible account of facts giving rise to complaint:*

Like 40 000 other citizens, I have requested a copy of all my personal data that is stored by “Facebook Ireland Ltd”, the provider of “facebook.com”. I have done so on _____.

I then received multiple e-mails from Facebook but I never received the whole data set that the company is holding about me. Facebook has forwarded me to a “download tool” which only provided a fraction of all the data. It is well established and undisputed that Facebook collects at least 57 data categories on every user.¹ The “download tool” did not even allow access half of these categories.

The limit for giving a full response under Irish law is 40 days. Because I did not receive a copy of all personal data Facebook is holding about me, I filed a complaint with the Irish Data Protection Commissioner on _____.

On _____ the authority informed me that current proceedings against Facebook were undertaken but that my individual complaint would not be pursued further. Despite this pledge I have not received a copy of my data personal by Facebook to this very day. The report by the Irish DPC only lists 38 data categories² while as stated above it is proven that Facebook holds at least 57 data categories about every user. This means that the proceedings are not granting full access to all my personal data. The Irish Data Protection Commissioner has not, in any way, enforced my right to access or taken on my case. Facebook does not seem to face any sufficient sanctions, even though, to my knowledge, none of the 40 000 citizens has received access to their data within the statutory 40 day period.

9. *As far as possible, specify the provisions of Community law (treaties, regulations, directives, decisions, etc.) which the complainant considers to have been infringed by the Member State concerned:*

1. The right to access is enshrined in Article 12 of Directive 95/46/EG
2. The obligation of the member states to enforce the directive by ensuring sufficient sanctions when the law is broken can be found in Article 24 of the Directive 95/46/EG and is a key principle of the European treaties.
3. The responsibility of the Irish DPC to enforce the directive derives from Article 28 of Directive 95/46/EG and Section 4 and 10 of the Irish Data Protection Act.

10. *Where appropriate, mention the involvement of a Community funding scheme (with references if possible) from which the Member State concerned benefits or stands to benefit, in relation to the facts giving rise to the complaint:*

There is no financial support to my knowledge.

¹ Reference: See http://www.europe-v-facebook.org/EN/Data_Pool/data_pool.html

² See http://www.europe-v-facebook.org/Facebook_Ireland_Audit_Report_Final.pdf (Page 64)

11. *Details of any approaches already made to the Commission's services (if possible, attach copies of correspondence):*

There are about 100 other similar complaints (see CHAP (2012) 01144).

12. *Details of any approaches already made to other Community bodies or authorities (e.g. European Parliament Committee on Petitions, European Ombudsman). If possible, give the reference assigned to the complainant's approach by the body concerned:*

I am not aware of such approaches.

13. *Approaches already made to national authorities, whether central, regional or local (if possible, attach copies of correspondence):*

The intervention at the Irish Data Protection Commissioner was, as explained above, without results. Further interventions at this authority do not seem promising. **The correspondence with the Irish authority is attached to this complaint.**

14. *Specify any documents or evidence which may be submitted in support of the complaint, including the national measures concerned (attach copies):*

The correspondence with the Irish authority is attached to this complaint. A detailed list of the existing data sets and the past proceedings can also be found at www.europe-v-facebook.org.

15. *Confidentiality:*

I authorize the Commission to disclose my identity in its contacts with the authorities of the Member State against which the complaint is made.

Place, Date

Signature