

UPDATE: Facebook breaches Deadlines in Irish Data Protection Report Users can now file a complaint at the European Commission Brussels

After some students from Vienna, Austria have filed 22 complaints against Facebook because of alleged privacy violations, the Irish Data Protection Commissioner (DPC) has issued a first report in December 2011. The report was criticized by experts and other European DPCs as too business friendly. Now it seems that Facebook is not even sticking to the obligations under this report.

Deadlines broken. The report had certain deadlines for each improvement that Facebook pledged to undertake. Many issues should have been solved by the 31st of March 2012. This was e.g. the date where Facebook should have brought its worldwide privacy policy in line with the European law (see [report](#), page 5) - but nothing happened until now.

Authority inactive. The Irish authority has told us in a phone call yesterday that they hope to find a solution with Facebook by the end of April. There won't be any consequences or penalties for breaching any aspects of the law and the deadlines set up by the authority. Max Schrems, speaker of the group europe-v-facebook.org: *"It seems like the authority does not care if Facebook is breaching the law and the deadline in the authorities report. Every normal citizen gets a fine, but Facebook apparently doesn't."*

40 000 access requests pending. After europe-v-facebook.org has posted a guide on how to make an access request at Facebook, 40 000 users made use of their right to access. To this very date no one of these 40 000 users has received all data Facebook is legally bound to disclose to the users. Instead, Facebook has sent out many e-mails to get rid of the users by e.g. sending them a link to a "download tool" that only held about 22 of the [84 data categories](#) Facebook holds about every user. The Irish authority gave Facebook a grace period until July 2012 to make at least 38 data categories available. The data should now not – as usual - be delivered as a copy of the raw data, but will be spread all over facebook.com. The user will have to hunt for their personal data on the timeline, the new "activity log", the "download tool" or in the account settings (see [report](#), page 64). Max Schrems: *"This is unbelievable: The law says everyone has a right to get all data within 40 days. If I am lucky I might get a part of my data about a year after I requested it, in a format which makes it impossible to really know what Facebook is holding on its servers."*

Complaint to the European Commission. *"But we were lucky: Our complaint was taken on by the Irish Data Protection Commissioner"*, says Max Schrems. Many hundreds of the other 40 000 users have since then made a complaint to the authority but were turned down by them.

For these users, europe-v-facebook.org now provides an easy way of making a complaint to the European Commission in Brussels (more [here](#)). The form can be filled out in 3 minutes. The European Commission is responsible for ensuring enforcement of EU regulations in all member states and can take action if certain member states are not sufficiently enforcing the citizens' rights. The complaints focus on the fact that the Irish DPC is not taking on the cases by other users and is not sufficiently enforcing the law or imposing sanctions in this case. We are curious if the European Commission will take on the case but we hope that many users that don't want to wait longer to get their data will file a complaint.