

REMOVE or DELTE?

What **Facebook** said to [German RTL / Stern TV](#), October 5th 2011:

*„Concerning reports about deled data which sometimes appear in the downloaded files it has to be said that it concerns, in this case, probably posts which **were removed** on a certain place on Facebook, **but were not deleted**. Or the information had to be kept for a short time for investigations. We work on preforming this process as seamlessly as possible.“*

What the Oxford English **dictionary** says:

“DELETE - remove (data) from a computer's memory”.

What we say:

Removing and deleting is raising the same expectation in the user: “THE DATA IT IS GONE”.

But in fact it is not: Facebook is keeping the data for years. Certain data categories such as “removed friends” are only existing of removed/deleted data.

In our data sets there were deleted messages, posts, pokes or friends from the beginning of our Facebook profile (more than three years). This is by no stretch of imagination a “short time”.

What the **Irish DPC** said to [German RTL / Stern TV](#), October 5th 2011:

“When you delete data, it should be gone. So in fact if Facebook is holding on to data of which they have no justification to hold then that is contrary to the law.”

DELETED MESSAGES

What **Facebook** said to [“The Guardian”](#), October 21st 2011:

“People can't delete a message they send from the recipient's inbox or a message you receive from the sender's sent folder. This is the way every message service ever invented works.”

What we say:

That's correct at first sight, just that according to Facebook's privacy statement the messages are not even deleted when both correspondents have deleted them: *“Certain types of communications that you send to other users cannot be removed, such as messages.”* (Facebook's Privacy Policy of August 18th 2011, there is a new version now.)

That's something we have never seen with any message service.

On top of that, Facebook is allowing itself to analyze all sent and received messages.

That's something we have never heard of either.

So if you compare this to e-mail (or a normal letter) it is like when your ISP (or the postal service) is opening and storing all e-mails you ever received or sent for an unlimited time. In addition to that they read all messages and send you a commercial that fits your text.

IN NO WAY this is how “every message service ever invented works”.

ACCESS REQUEST

Facebook says:

- In different statements they claim that they **fully comply** with all access requests.
- All other personal data would be Facebooks "**intellectual property**", "trade secret" or "too hard to hand over" ([E-Mail to Max Schrems](#) from the 28th of September).
- In [E-Mails to the users](#) they said that they will not be able to deliver the data within the legal deadline of **40 days**.
- In other e-mails they say that they fully comply by providing a **download link** and that the data provided under this link is sufficient to comply with the Irish law.

What the (Irish) law says:

Upon request in writing Facebook has to send all **personal data** it holds about users. The data has to be handed over **within 40 days**. There are very limited exception if it is too hard to hand over the data (e.g. backup files, spread out over thousands of files, need for excessive manual work). Facebook also has to disclose **decision logics** that are used when processing personal data. There are special limitations on this disclosure for intellectual property and trade secrets.

What we say:

- @40 day period: That's a legal obligation. It shows the lack of respect towards the European laws that Facebook tells users right away "we will not meet the deadline".
- @ downloading your data: We got a data set of up to 57 data categories. Users that just download the data seem to get only 23 of these categories. All the (juicy) data that Facebook collects in the background is not included at all (e.g. IP addresses, cookie information, deleted messages, removed friends...).
- @ IP & TS: This does not apply to personal data at all, Facebook is purposely misleading the people. When Facebook e.g. claims this excuse for the face recognition data then we are wondering if *Certain types of communications that you send to other users cannot be removed, such as messages*. 'Mr. Zuckerberg is now thinking that he invented our faces? Something we would see as very unlikely, unless of course he is God...
- @ "Too hard to hand over": With our files there were e.g. the "comments" to every picture, but not the likes to the pictures. What is so hard to hand over "Likes"? What about the information Facebook gathers via the "Like Button"? What is so hard about sending us all the URLs we visited in the last 90 days? What about the face recognition data? Is it so hard to send us the bits and bytes that stand for our face?