

# Data commissioner: I was not too soft on Facebook

**Mark Tighe**

IRELAND'S data protection commissioner, Billy Hawkes, has been criticised by other European regulators for his recent ruling on Facebook.

Hawkes said some European colleagues argued he did not go far enough in his report and were unhappy that Ireland was taking the lead in regulating the social network website.

Viviane Reding, the European commissioner with

responsibility for justice, plans to allow each multinational to designate one regulator to deal with all their privacy issues across Europe. Some regulators say this will allow companies to "forum shop".

Hawkes conducted an audit of Facebook Ireland, which is responsible for all users outside America and Canada, after a complaint by Max Schrems, an Austrian who runs a campaign called Europe versus Facebook. Schrems believes the Irish

report brought Facebook only 10% in line with European law.

"The question is if the data protection commissioner will be willing to go for the next 90% as well," he said. "We are still not looking at a closed proceeding, so are confident there will be further major changes."

Schrems said he would take a case to the European courts if he feels Ireland is not enforcing European data-protection laws.

The Irish audit found some Facebook practices, such as

indefinitely retaining data on users who click on advertisements, were "unacceptable", but cleared other practices German authorities believe are illegal.

Hawkes acknowledged there was a perception his office was not strict enough. "I have had negative signals from some European colleagues that we were too soft on Facebook," said. "We would say, 'ask Facebook', and they will say quite the contrary because of the demanding list of changes that

we have required them to complete within six months."

Hawkes said his modus operandi was to talk to companies. "We take an approach of being a strict regulator but one that understands businesses," he said. "When you sign up to Facebook, a free service, you enter a deal. In return for the site you give them data which they can target ads on. That's the business proposition. We have concluded that is legitimate provided you are told how your

data is used and they don't overdo its collection."

Hawkes said if other companies based in Ireland, such as Apple, Microsoft and Google, were to designate the country as their centre for data protection, this would have implications for his resources. The Facebook audit involved a third of his 22 staff working full time for three months, he claims.

"If we are expected to do a proper job on companies opting for Irish jurisdiction we must

beef up resources, otherwise we are in Wild West territory," said Hawkes. "It's like the International Financial Services Centre. There were complaints Ireland was the Wild West of the financial services industry and about soft-touch regulation. That principle applies to data protection.

"Soft touch isn't acceptable at European level and won't be under new regulations. We will have to demonstrate we are capable for this."