

**Resolution of the 82nd Conference
of the Data Protection Commissioners of the Federation and of the Länder
of 28-29 September 2011 in Munich**

Data protection in social networks must be implemented now!

On the occasion of the current discussions about data protection in social networks, such as Facebook, the Conference of the Data Protection Commissioners of the Federation and of the Länder clearly states that providers of such platforms aiming at the European market have to comply with European data protection standards even if they are established outside of Europe.

The Conference noted in particular that the direct integration of social plugins, for example those of Facebook, Google and Twitter and of other platform operators into the websites of German providers without sufficient information of Internet users and without granting the right to make a choice is not in line with German and European data protection standards. The current functionality envisaged by providers of social plugins is inadmissible if already when visiting a website and also without clicking on, for example, the "like button", a transmission of user data in the U.S. is triggered, even if the users are not registered with the respective platform.

The social plugins are just one example of how inadequately a few large operators of social platforms deal with data protection law. Now, Facebook uses face recognition technology in order to match images on the Internet to specific persons; it is only with a considerable effort that data subject can withdraw from this process. Both Facebook and Google require users to identify, although under German law, for good reasons, it is mandatory to offer the possibility of at least a pseudonymous use of such services.

Therefore, the Data Protection Commissioners of the Federation and of the Länder call upon all public bodies to abstain from using social plugins that do not meet

current standards. It is not acceptable that citizens seeking information on pages of public authorities pay for this with their data. Notwithstanding the legal responsibility public bodies should not create any profile pages or fan pages on such platforms.

Already in 2008 and most recently in 2010, in decisions, the supreme supervisory authorities for data protection in the non-public sector worded requirements for a design of social networks which is in conformity with data protection law. The Conference of the Data Protection Commissioners calls upon providers of social networks to implement these decisions if they have not already done so. In this context the Data Protection Commissioners support efforts for developing technical solutions for a design of websites which is in conformity with data protection requirements.

Unfortunately, the Federal Government did not follow up with deeds its announcement already made last year to propose taking legislative measures against profiling on the Internet. The mere reference that service providers should enter into voluntary self-commitments does not meet the acute need for protection of the increasing number of users. The Conference of the Data Protection Commissioners supports the bill of the Bundesrat amending the Telemedia Act (Bundestag printed matter 17/6765) as a step in the right direction.