

PRESS RELEASE

2nd November 2011

Tracking suspicions for Facebook

Investigation into Facebook cookies reveals inconsistencies

All Facebook users receive a series of so-called cookies from the social network in their browsers. These control how the service behaves while users are logged in. Some of these cookies are then retained even after users have logged out of Facebook. They are stored for two years and in addition can be used to clearly identify users. For example, they allow Facebook to recognise individual users when they surf pages containing the 'like' button, even if they are not logged in. The Hamburg Commissioner for Data Protection and Freedom of Information (HmbBfDI) has now subjected these cookies to extensive investigation.

Facebook has provided a detailed statement concerning the purpose of these cookies. According to this, the primary function of the cookies is to serve as security mechanisms, e.g. to protect children or passwords. All of the purposes stated by Facebook were investigated to ascertain whether cookies did in fact play a role. To this end, various test users were created and used to determine whether differences in Facebook's behaviour could be identified for the respective scenarios. Does it make a difference if the cookies remain stored in the browser or are deleted by the user?

The overall results showed that Facebook's statements regarding the purpose of these cookies are largely inaccurate. The individual instances where the usefulness of cookies could be demonstrated involved purely optional functions. However, these were only activated if set accordingly by the user.

Johannes Caspar, the Hamburg Commissioner for Data Protection and Freedom of Information, stated: 'Facebook's argument that all users need to be identifiable even once they have logged out of Facebook in order to guarantee the security of the service is untenable within this context. The fact that the installation of cookies in reality only permits the collection of the user's personal data required to use the service seems extremely questionable. The results of the investigation raised the suspicion that Facebook is creating

user tracking profiles. However, under the German Telemedia Act (TMG) this is not permissible without then also informing users of their right to refuse it.'

As an initial reaction to this investigation, Facebook has indicated its willingness to enter into discussion on technical processes. This is a welcome move. Facebook is now being asked to actively contribute to increasing public awareness of cookie use and to pursue a solution that satisfies the law.

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