

## PRESS RELEASE

21 September 2012

# Administrative decision against Facebook

## Practice of automatic face detection must fulfill European standards of data protection

The Hamburg Commissioner for Data Protection and Freedom of Information (HmbBfDI) has issued an administrative order against Facebook Inc. The order obliges the US-company to change its longtime criticized practice of automatic face detection to comply with data protection standards even retrospectively. The company has to make sure, that biometric profiles of its already registered users will only be created and stored with their active consent. Additionally, users have to be informed about risks of the practice in advance. If Facebook does not make an objection against the administrative act within one month, it will come into force. The demands of the Hamburg data protection supervision will then have to be fulfilled. If the implementation is not achieved in due course, the existing data base has to be deleted.

Lengthy negotiations before the issue of the administrative act failed at the end. Facebook would not accept to adjust its practice to European standards of data protection by negotiation. Even during the hearing proceedings before the issue of the act Facebook has not delivered any new arguments or propositions.

Johannes Caspar, the Hamburg Commissioner for Data Protection and Freedom of Information: "I regret that Facebook is not willing to implement the European standard in the use of digital images to create biometric profiles. The administrative act is based on requirements that were elaborated commonly by the European commissioners for Data Protection. However, it is not the aim of this decision to prevent the use of this technology, but to give tools to the users which enables them to a conscious and active decision whether or not to participate in this technology that is not unproblematic."

Due to the territorial jurisdiction of the Hamburg Commissioner for Data Protection the decision only relates to users residing in Hamburg. Other German authorities have already announced similar administration procedures.

### **Contact / queries:**

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