

ARTICLE 29 DATA PROTECTION WORKING PARTY

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European data protection group faults Facebook for privacy setting change

The Article 29 Working Party, the group of European data protection authorities, told Facebook in a letter today that it is unacceptable that the company fundamentally changed the default settings on its social-networking platform to the detriment of a user.

Facebook made the change only days after the company and other social networking sites providers participated at a hearing during the Article 29 Working Party's plenary meeting in November 2009.

The Article 29 Working Party, which held its 75th plenary session in Brussels on May 10 and 11, 2010, sent letters to 20 social network operators that have signed the "Safer Networking Principles for the EU."

The Working Party emphasised the need for a default setting in which access to the profile information and information about the connections of a user is limited to self-selected contacts. Any further access, such as by search engines, should be an **explicit choice** of the user.

The letters are a follow-up to the Opinion on Online Social Networking of June 2009 and a subsequent hearing with three major social network services operators at the Article 29 Working Party plenary meeting in November 2009.

The letters also address the issue of third-party applications. Providers of social network services should grant users a maximum of control about which profile data can be accessed by a third party application on a case-by-case basis. The Article 29 Working Party also raised the issue of data of third persons contained in users' profiles. Providers of social networking sites should be aware that it would be a breach of data protection law if they use personal data of other individuals contained in a user profile for commercial purposes if these other individuals have not given their **free and unambiguous consent**.

In addition, the Article 29 Working Party met with representatives from the Organisation for Economic Co-Operation and Development (OECD). The groups exchange views on the mutual roles that they can play on reviewing the OECD Privacy Guidelines and on international cooperation in the field of enforcement.

Background information

The Article 29 Working Party on the Protection of Individuals with regard to the Processing of Personal Data is an independent advisory body on data protection and privacy. It was set up under Article 29 of the Data Protection Directive 95/46/EC and is composed of representatives from the national data protection authorities of the EU Member States, the European Data Protection Supervisor and the European Commission. Its tasks are described in Article 30 of Directive 95/46/EC and Article 15 of Directive 2002/58/EC. The Working Party examines the application of national measures adopted under the data protection directives in order to contribute to their uniform application. It carries out this task by issuing recommendations, opinions and working documents.

http://ec.europa.eu/justice_home/fsj/privacy/workinggroup/index_en.htm

The OECD, a Paris-based intergovernmental organisation with 34 member countries, provides a setting where governments compare policy experiences, seek answers to common problems, identify good practice and coordinate domestic and international policies.