Council of the European Union

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NOTE

From:	German delegation
To:	Council
Subject:	Misuse of Facebook data: exchange on possible responses
	= information from Germany and the Commission

In mid-March 2018, it was revealed that the data analysis firm Cambridge Analytica had gained access to Facebook users' personal data in 2014 via an app developer who had presented himself to Facebook as an academic. This data is believed to have been used for the purposes of microtargeting and political campaigning.

In our digital world, it is of fundamental importance to guarantee robust and effective protection of user data, while also enabling users to take control over their personal data – on social media and online platforms in particular. Only that way will it be possible to protect users' informational self-determination, privacy and freedom of action, while upholding the principles of democracy and the rule of law.

It must be ensured that Facebook adheres in future to data protection requirements – without exception, and across the entire platform of services offered by Facebook – including where services offered by third-parties are linked to Facebook services. Furthermore, it must also be ensured that all algorithms used are objective, neutral and non-discriminatory, and may be subject to independent testing.

The responses provided by Facebook so far are not sufficient. Work on investigating and critically evaluating the data abuse is still ongoing. We need to stay on the ball now and continue to discuss what consequences are to be drawn from this data scandal, and what measures are needed. The COM and MS should work closely together on this in order to exert pressure on Facebook to introduce the necessary changes.

The Justice Ministers and the European Commission are requested to report on their experiences and talks with Facebook regarding the critical evaluation and consequences to be drawn from these events.

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