

From: HULICIUS Eduard (CAB-JOUROVA)
Sent: 17 February 2016 11:28
To: BRAUN Daniel (CAB-JOUROVA); CONSTANTIN Simona (CAB-JOUROVA);
HULICIUS Eduard (CAB-JOUROVA); LADMANOVA Monika (CAB-JOUROVA);
NIKOLAY Renate (CAB-JOUROVA); O'CONNELL Kevin (CAB-JOUROVA);
s (CAB-JOUROVA);
(JUST); i (CAB-JOUROVA)
Cc: (CAB-JOUROVA)
Subject: Flash note - Meeting with Facebook managing director
Importance: High

Meeting between Eduard Hulicius and Thomas Myrup Kristensen, Director for EU affairs and Head of Facebook's EU Office, 15/02/2016

The visit of Mr Kristensen was mostly of an introductory/courtesy nature because he is new in the job. Regarding consumer policy files he mentioned the digital contracts proposals and REFIT, but said he did not know much of the details. He welcomed the agreement on the Privacy Shield and looked forward to continue working with the Commission against hate speech where Facebook would appreciate the Commission's help in developing counter-narratives.

Eduard provided briefly the state of play on files of interest to Facebook: consumer rules, data protection, hate speech online, inviting Mr Kristensen to present his views.

We indeed tried to tease out how much Mr Kristensen actually knows about our files since he probably knows more than he was willing to admit. On digital contracts, we enquired how Facebook sees our proposals because we never heard their viewpoint (only that of EDIMA, which was represented in the stakeholder group). Mr Kristensen actually knew that the proposal on digital content covers social media and content provided in exchange of data and did not seem to have particular problems with that. He said consumers can terminate their contract with Facebook any time and retrieve all user generated data and port them to any other platform.

We also tried to tease out some comments about ongoing developments in France (injunction against unfair contract terms, Court of Paris ruling on jurisdiction) and Germany (consumer protection, taskforce on hate speech), notably by asking if Facebook Brussels follows these developments. Mr Kristensen indicated that the Brussels office (only) follows EU and Benelux. Offices in other Member States are larger as they also support commercial activities. In Ireland Facebook's headcount is one thousand employees. Mr Kristensen did not comment on any of the ongoing developments in the Member States. But it is interesting to note that whilst he only has one other colleague in the Brussels office (Rond Point Schuman), he has been tasked to hire four more people, which shows that Facebook has realised by now the increasing importance for its business of ongoing policy and legislative developments at EU level.

(notes from)

Eduard HULICIUS
Member of Cabinet

Consumers and European Parliament



European Commission

Cabinet of Commissioner Věra Jourová
Justice, Consumers and Gender Equality

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B-1049 Brussels/Belgium

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From: (CAB-JOUROVA)
Sent: 22 June 2018 12:25
To: (CAB-JOUROVA)
Subject: FW: Flash report Meeting on 25 April between the Commissioner Jourová HoC Renate Nikolay, DHoC Daniel Braun and Facebook, on the code of conduct on illegal hate speech.

From: BRAUN Daniel (CAB-JOUROVA)
Sent: Tuesday, April 26, 2016 2:34 PM
To: (CAB-JOUROVA)
Subject: FW: Flash report Meeting on 25 April between the Commissioner Jourová HoC Renate Nikolay, DHoC Daniel Braun and Facebook, on the code of conduct on illegal hate speech.

From: (JUST)
Sent: Tuesday, April 26, 2016 2:33 PM
To: (JUST); (JUST); NEMITZ Paul (JUST); ASTOLA Tiina (JUST); BRAUN Daniel (CAB-JOUROVA); NIKOLAY Renate (CAB-JOUROVA); (JUST)
Cc: (JUST); (JUST); (JUST); (JUST); (JUST); (JUST)
Subject: Flash report Meeting on 25 April between the Commissioner Jourová HoC Renate Nikolay, DHoC Daniel Braun and Facebook, on the code of conduct on illegal hate speech.

Flash report Meeting on 25 April between the Commissioner Jourová HoC - Renate Nikolay, DHoC-Daniel Braun and Facebook - Thomas Myrup Kristensen, on the code of conduct on illegal hate speech.

On the 25 April 2016 the HoC Renate Nikolay and DHoC Daniel Braun met with Facebook, and to discuss the progress of the establishment of a code of conduct on illegal hate speech.

- HoC greeted the participants and informed about the timing and the political context of the exercise. The joint statement issued by the extraordinary Justice and Home Affairs Council of 24 March 2016 on the terrorist attacks in Brussels, underlined that "the Commission will intensify work with IT companies, notably in the EU Internet Forum, to counter terrorist propaganda and to develop by June 2016 a code of conduct against hate speech online". In practical terms this means that an agreement on the text between the IT companies, the Commission and the Member States should be reached in the coordination meeting planned for 31 May
- The negotiation of the code of conduct must of course be seen in the context of the package of measures planned under the DSM for 25 May. Discussions are still very much ongoing on the direction to take and

- outcome of the negotiation of the code of conduct could have an impact. Time had come to confirm IT companies commitment to deliver.
- All IT companies expressed clearly that they strongly share the Commissions objective of reaching a good agreement, including with a view to protect their users from the harmful effect of hate speech.
 - In terms of the commitments as such the HoC stressed two major issues:
 - Firstly, the benchmark against which IT companies should assess notices must be national law implementing the Framework Decision on racism and xenophobia. To only rely on the internal terms of services is not sufficient. The IT companies were urged to reconsider their view that the text should read " terms and conditions or EU law as implemented by Member States" and instead agree on an "and"
 - The IT companies agreed that of course content that is illegal under national law should be removed. The difficulty is that they have essentially two different paths for reporting based on policy or legal notices. They agreed however that wording could be found
 - HoC expressed satisfaction with the reassuring message from the IT companies and suggested that a wording be discussed with the JUST team after the meeting
 - Secondly it was underlined that it would be important to be ambitious and show added value on the commitment to – IN PRINCIPLE - assess notices of illegal content within 24 h.
 - and Facebook reiterated their concerns that in cases of sudden influx of large number of notifications this could be difficult to live up to at EU 28.
 - On the rest of the commitments, HoC noted that this is not the framework for quantitative pledges in financial terms but that the text could be more specific for example as to ensure broad geographical coverage of trusted flaggers.
 - The meeting was concluded and the HoC thanked the participants for their very constructive participation in the conception of this very important code of conduct

Follow up drafting session between Facebook, (and and DG Justice (IT companies +)

Substance:

The two main commitments on the need to make reference to EU/national law and the timing for assessment were tentatively agreed as follows:

1. A principle agreement was reached to keep the text relating to the need to assess valid notices against the terms and conditions and EU law as implemented in the MS as the Commission had originally proposed but exchanging the "where appropriate" to "where applicable". The text would thus read "*Upon receipt of a valid removal request, companies to review such requests against their terms and conditions and national laws transposing the Framework Decision 2008/913/JHA with dedicated teams reviewing requests, where applicable.*"

2. As concerns the time to review, the IT companies in principle agreed that the safeguards as concerns "a majority", "a valid" Notice and the introduction of a review mechanism would probably be sufficient. It was suggested to turn the wording of the commitment to better reflect the temporal order of event whereby the take down of illegal content of course is preceded by a review of the allegedly illegal content. The new wording would look as follows

"-Companies to review the majority of valid notifications, of hate speech content in less than 24 hours and remove or restrict access to such content where necessary."

In addition to these two points, several technical wording changes were discussed to better reflect the reality of the IT companies procedures or terminology used. The introduction of the commitments were also discussed and some changes were proposed to improve the language and importantly to indicate that this is a standard set by three companies "in the lead" but that other companies are expected to join the initiative.

Timing:

It was agreed that the Commission will send a revised text by 26 April COB giving the IT companies until the 2 May to react. The IT companies committed to getting back to us even earlier should they discover issues that would need to be addressed. Immediately after the 2 May, the text would be sent to Member States giving around 10 days to react. Should there still be outstanding issues after this (i.e. comments from Member States that would have to be integrated), this should be solved by exchanges of drafts, video conferences and if needed, a meeting in the week of 23 May. In parallel, by that week a communication strategy will be agreed in view of presenting the code of conduct to the public.

Contact person:

JUST/C1

From: (CAB-JOUROVA)
Sent: 29 June 2018 09:04
To: (CAB-JOUROVA); CAB JOUROVA ARCHIVES
Subject: FW: flash report from a meeting with Facebook, 13/06

Follow Up Flag: Follow up
Flag Status: Flagged

Dear
Please register
Thank you.Pavol

From: BRAUN Daniel (CAB-JOUROVA)
Sent: Tuesdav. June 14, 2016 11:01 AM
To: (JUST); O'CONNELL Kevin (CAB-JOUROVA); LADMANOVA Monika (CAB-JOUROVA); HULICIUS Eduard (CAB-JOUROVA); CONSTANTIN Simona (CAB-JOUROVA); NIKOLAY Renate (CAB-JOUROVA)
Cc: CAB JOUROVA ARCHIVES; (CAB-JOUROVA)
Subject: flash report from a meeting with Facebook, 13/06

Daniel Braun and Eduard Hulicius met with Thomas Myrup Kristensen, Facebook Managing Director EU Affairs and Head of the Brussels Office.

On **online hate speech**, Mr. Kristensen stressed the seriousness of their efforts and the responsibility and burden the Code of Conduct creates for the company (however when confronted with a particular FB account spreading hate speech he pointed out the need of users to report such activities - no automatisisation process from FB side). DB underlined two challenges:

1. Communication – to explain the objective of this common exercise, in the context of enforcement of the FD on Racism and Xenophobia;
2. Implementation – to have by the end of the year a visible change. In this context, DB referred to the issue of transparency – both vis-à-vis the complainants (for users to understand the decision of the company) and with regards to publishing company's decisions (to educate the environment, so that it becomes more apparent that some expressions are illegal).

Mr. Kristensen agreed to engage in a discussion on these two issues.

Mr. Kristensen enquired about **e-Privacy Directive**. DB and EH informed about the public consultation and the fact that DG Connect is in the lead. We explained that a more meaningful discussion could take place in summer, once the services will have had discussed in more detail the interplay between the outcome of the public consultation and the GDPR.

On **digital content** Mr. Kristensen questioned the reasoning and logic behind the issue of payment with data and considered that FB is not concerned with it anyway. DB and EH explained the meaning of the proposal and pointed out the ongoing legislative process that may clarify the notion more.

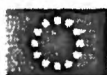
Daniel

From: HULICIUS Eduard (CAB-JOUROVA)
Sent: 01 September 2016 16:55
To: HULICIUS Eduard (CAB-JOUROVA)
Subject: Flash notes - 29/8 -

I have met on 29/8 with , Facebook and () on Copyright reform. The industry is worried about the neighbouring rights proposal, criticises the uneven and distorting impact of value gap proposal on the IT industry and creative community. They have highlighted the ES-DE failures vis-a-vis news snippets. On value gap the question of definition of "communication to the public" is crucial. It is unclear what does the Commission plan going to lead to – potentially freezing the market. IA criticised as omitting serious concerns. The companies know from experience the extreme technological difficulty of correctly assessing and managing the copyrighted material.

E.

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From: HULICIUS Eduard (CAB-JOUROVA)
Sent: 01 September 2016 16:55
To: HULICIUS Eduard (CAB-JOUROVA)
Subject: Flash notes - 29/8 -

I have met on 29/8 with [redacted], Facebook and [redacted] ([redacted]) on Copyright reform. The industry is worried about the neighbouring rights proposal, criticises the uneven and distorting impact of value gap proposal on the IT industry and creative community. They have highlighted the ES-DE failures vis-a-vis news snippets. On value gap the question of definition of "communication to the public" is crucial. It is unclear what does the Commission plan going to lead to – potentially freezing the market. IA criticised as omitting serious concerns. The companies know from experience the extreme technological difficulty of correctly assessing and managing the copyrighted material.

E.

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From: (CAB-JOUROVA)
Sent: 22 June 2018 12:28
To: (CAB-JOUROVA)
Subject: FW: report form my meeting with Facebook on online hate speech, 26/1

From: BRAUN Daniel (CAB-JOUROVA)
Sent: Tuesday, January 31, 2017 12:54 PM
To: NIKOLAY Renate (CAB-JOUROVA)
Cc: CAB JOUROVA ARCHIVES; (CAB-JOUROVA); CONSTANTIN Simona (CAB-JOUROVA); (CAB-JOUROVA); O'CONNELL Kevin (CAB-JOUROVA); HULICIUS Eduard (CAB-JOUROVA); LADMANOVA Monika (CAB-JOUROVA); (CAB-JOUROVA)
Subject: report form my meeting with Facebook on online hate speech, 26/1

I met at their request R. Allan and T.M. Kristensen from Facebook. They informed me about their new initiatives on fake news and on other initiatives, such as the digital learning centre, which teaches refugees digital skills.

I made three points:

1. Implementation of the Code

I urged FB to take down illegal contents and explain. This is the spirit of the upcoming monitoring exercise, which needs to produce better results. FB is confident the results will reach the Code benchmark.

2. Research

FB agreed to provide us with their studies on the topic of illegal hate speech.

3. Transparency

a) on transparency vis-a-vis the users, I asked FB to look into ways they inform the complainants and the "perpetrators" and discuss with the DG in their next meeting. I also asked about whether FB refers to their Terms of services or to the law when justifying (non-) removal. FB explained that referring to the Terms of services allows faster action but are open to consider changes.

b) I asked FB to discuss with the DG their Transparency reports, which focus only on the very small portion of notifications done by national public authorities. FB agreed.

I also enquired about what hinders Facebook from better implementation of the Code.

FB claimed that the FD on Racism and Xenophobia is too abstract. I explained that it is not for the Commission to interpret but suggested that this is on the agenda of the next HLG with MS authorities present.

FB also said that for certainty it would be useful to have more referrals from courts and law enforcement authorities. I agreed to consider putting this on the agenda of the HLG too, as the Code foresaw the creation of contact points on national level, which should create better links with IT companies.

Daniel

From: (CAB-JOUROVA)
Sent: 22 June 2018 12:20
To: (CAB-JOUROVA)
Subject: FW: Flash report from cabinet Jourová meeting Facebook, 24/4

From: BRAUN Daniel (CAB-JOUROVA)
Sent: Tuesday, April 25, 2017 12:14 AM
To: PERIGNON Isabelle (CAB-JOUROVA); O'CONNELL Kevin (CAB-JOUROVA); NIKOLAY Renate (CAB-JOUROVA); LADMANOVA Monika (CAB-JOUROVA); HULICIUS Eduard (CAB-JOUROVA); CONSTANTIN Simona (CAB-JOUROVA)
Cc: (CAB-JOUROVA); CAB JOUROVA ARCHIVES
Subject: Flash report from cabinet Jourová meeting Facebook, 24/4

COM: R. Nikolay, D. Braun
 FB: R. Allen, T. M. Kristensen+1

COM explained the context of the DSM midterm review, DE hate speech law, and underlined the importance of monitoring exercise of the code of conduct. When asked about reflection of monitoring on their side, Facebook flagged the variable quality of reporting, stressing that some NGOs send all types of harmful content and expressed concern that this would lead to biased results of the monitoring. They also suggested that due to the existence of grey areas there could be a category of disputed cases, for which the Commission or a third party would assess the problematic cases. COM explained that we were always clear about not aiming for 100% removal rate, that NGOs participating in the monitoring received guidance. For the disputed cases, I reminded that there will be a point on the agenda of HLG on implementation of FD on racism and xenophobia, and suggested that any disputes would be dealt with outside of the monitoring exercise.

COM asked about further steps in the area of transparency. Facebook claimed that not enough attention has been paid to the "notice" part as opposed to the "action" part. Therefore they are considering to improve the noticing/reporting systems, preparing a pilot for 6 MS providing a better and direct reporting on illegal content. FB would also report on these cases. In this context FB suggested to have in a possible future regulation a list of designated bodies that can issue a legal notice (injunction). COM pointed out that notices by law enforcement only represent a very small proportion and expressed concern about reporting separately for "illegal content", which would however be only second stage after checking coherence with the Community guidelines (which also include hate speech, covering both illegal and legal cases). This could lead to misinterpretation of results and a false conclusion that the code of conduct leads to over-compliance.

FB raise serious concerns about the e-Privacy directive, in particular over cookies where consent is the only option given. They claimed that will lead to loss of revenue from publishers and that cookies are needed for any type of advertising, not only behavioural

one. Another issue is the strict interpretation of confidentiality of communication. COM explained the rationale of the directive dealing with not only personal data and advised to feed the negotiations with arguments on potential problematic issues.

Daniel

From: (JUST)
Sent: 18 September 2017 16:43
To: FONSECA MORILLO Francisco (JUST)
Cc: (JUST); (JUST); (JUST);
 (JUST); (ENV); (JUST);
 (JUST); ASTOLA Tiina (JUST); (JUST); HULICIUS Eduard
 (CAB-JOUROVA)
Subject: Meeting with Facebook - 18 September 2017 - Flash Report

Participants:

- Eduard Hulicius – Cab. Jourová
- – JUST E.3

Facebook

- Thomas Myrup Kristensen, Director for EU affairs and Head of Facebook's EU Office
- – EU Affairs – Policy manager

CPC Social Media Action

Facebook sees the cooperation with the Commission and CPC Network useful and constructive and reiterated their commitment to be fully cooperative with the demands of the enforcers. Mr Kristensen enquired about what the company should expect from the CPC Network after their latest proposals. Timing for the implementation of the changes to the terms and conditions remains a source of concerns for Facebook as the company would like to implement those changes all at once in spring 2018, together with the modifications needed to implement the new Data Protection Regulation. They claim this would be less disruptive and less confusing for consumers.

We explained that the perception from the side of the enforcers is that a lot of progress has been made but that a few improvements are still needed. Facebook should expect, in the next weeks, a letter from the Commission and the CPC Network summarising the outstanding elements which need to be improved. Expectations are that Facebook makes an additional effort to achieve full compliance rapidly after the letters. Concerning the timing we explained that, while the course of action is always chosen taking into account the business needs and trying to make compliance as easy as possible for companies, we need to ensure that this action produces a rapid solution to what has been a long lasting consumer problem. The last decision will be on the authorities.

REFIT

Facebook expressed satisfaction with a recent meeting with JUST E.2. on the REFIT. The company is particularly relieved that the Commission would be planning to drop the language / idea that on certain Internet platforms - like Facebook – consumer data is the "counter performance" of the services provided. Instead the company has understood that any future proposal will refer to "free models", but where data is provided. In practice, in Facebook's view, companies would still be able to claim that their services are "free". The company also stated that they are firmly against a re-opening of the CRD and UCPD.

Eduard explained that the proposal – following the REFIT exercise - can be adopted by the Commission at the latest by January 2018, as any later date would not make it possible to have an adoption still under this mandate. Especially taking into account the tight schedule of the EP before the next elections.

From: (CAB-JOUROVA)
Sent: 29 June 2018 14:42
To: CAB JOUROVA ARCHIVES
Cc: (CAB-JOUROVA); O'CONNELL Kevin (CAB-JOUROVA)
Subject: FW: Mission report: San Francisco & Silicon Valley (19-21 September 2017)

Dear both,

Please register extract of the mission report related to visit to Facebook.

Thanks.

-----Original Message-----

From: O'CONNELL Kevin (CAB-JOUROVA)
Sent: Friday, September 22, 2017 4:58 PM
To: NIKOLAY Renate (CAB-JOUROVA); BRAUN Daniel (CAB-JOUROVA); LADMANOVA Monika (CAB-JOUROVA); HULICIUS Eduard (CAB-JOUROVA); CONSTANTIN Simona (CAB-JOUROVA); TALKO Wojtek (CAB-JOUROVA)
Cc: O'CONNELL Kevin (CAB-JOUROVA)
Subject: Mission report: San Francisco & Silicon Valley (19-21 September 2017)

4. Meeting with Facebook (VPs Schrage, Allen, Beringer, and Privacy lead Deadman)

Facebook referred to the ongoing court case (Schrems II) in Ireland and enquired about the two actions for annulment against the Privacy Shield. COM stressed the importance of the annual review also in the context of the court cases. Facebook referred to its transparency report, while noting that law enforcement requests in Europe are on the rise (50,000 per year) and approaching U.S. levels. On GDPR, Facebook stated that it is making a major compliance effort with changes to many of its products. Facebook stated that it wants to seize the entry into application as an "opportunity to reset its relationship with European regulators". Facebook's concerns are about transparency of the EDPB, functioning of the one-stop-shop and risk of fragmentation through national laws (e.g. consent age).

Facebook supports practical measures on e-evidence (single points of contact, training on mutual legal assistance), but is concerned about legislative measures that could create a conflict of laws for companies. On online hate speech, Facebook spoke enthusiastically about the code of conduct and discouraged regulation. Facebook informed that there are now 7500 content reviewers and that cooperation with NGOs has improved.

Regarding the CPC action on unfair practices, Facebook committed to change its terms and conditions but only in May 2018 combined with GDPR-related updates. Facebook COO Sheryl Sandberg briefly joined the meeting and exchanged views with VJ on gender equality.

From: (CAB-JOUROVA)
Sent: 28 June 2018 16:25
To: CAB JOUROVA ARCHIVES
Subject: FW: Flash - Meeting with Facebook 23 January 2018

From: (CAB-JOUROVA)
Sent: Thursday, June 28, 2018 3:03 PM
To: CAB JOUROVA ARCHIVES
Cc: (CAB-JOUROVA)
Subject: FW: Flash - Meeting with Facebook 23 January 2018

Dear
 Please register.
 Thank you

From: TALKO Wojtek (CAB-JOUROVA)
Sent: Thursday, June 28, 2018 2:58 PM
To: (CAB-JOUROVA); (CAB-JOUROVA)
Subject: Flash - Meeting with Facebook 23 January 2018

- Meeting with Facebook 23 January 2018:
- Commissioner Jourová, W. Talko, M. Ladmanova; S. Sandberg, T. Myrup
- During the meeting Facebook has offered its views on a number of issues:

1. E-evidence

- Facebook welcomed the fact that the EU is working on e-evidence proposal. From their point of view this is needed for the tech sector.
- FB's biggest concern is the conflicts of law issue, notably between EU and US laws. For FB, the place where data is stored should not matter. What is essential is the safeguarding of data protection standards, the place where the receiving company is incorporated and, most importantly, the jurisdiction where the user is.
- US Congress has traditionally seen this as an internal affair, linked to the Stored Communications Act. FB has actively engaged with Congress to show the matter has an external dimension, since foreign law enforcement authorities have a need to access US providers' databases.
- FB gets 75.000 requests a year by law enforcement, the EU authorities are amongst the most active (Transparency Report, published 22nd December 2017)

- Fb wants to encourage other platforms to be cooperative with law enforcement. They feel that companies who don't want to be cooperative will ultimately withdraw their establishment from the EU

2. Section 702 FISA and other Privacy-Shield related subjects

- FB has told the Commission that Section 702 has been extended until 31st December 2023.
- FB suggested that some changes that apply to US citizens could have a positive impact on the Commission's assessment of the adequacy of the data protection level in the US.
FB said that in their dialogue with the US Administration it seems that there won't be any acts contrary to the commitments assumed in the Privacy Shield
- FB also informed us that they would welcome the appointment of missing members of the PCLOB and for the enactment of PPD-28 safeguards as an act

3. Illegal hate speech

- FB informed the Commission about its continued efforts to improve removal of illegal content. They hired more people and the results are improving. They offered their commitment to this exercise and potentially to help other smaller firms by know-how sharing.

4. GDPR

- FB said that they are working full speed to introduce necessary changes to be compliant with the GDPR on time. They have set-up the biggest cross-departmental group to do this exercise and assured the Commission that they see this also as an opportunity to re-commit to privacy of their users.
- FB couldn't offer concrete detail at this stage, but offered to come back with more information once they are ready.

Wojtek Talko
Member of Cabinet


European Commission

Cabinet of Commissioner Vera Jourová

Justice, Consumers & Gender Equality



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 @EU_Consumers  EU Justice and Consumers

From: (CAB-JOUROVA)
Sent: 28 June 2018 14:51
To: CAB JOUROVA ARCHIVES
Subject: FW: Flash Facebook 26 April

Dear

For registration and info for and
Thank you

From: TALKO Wojtek (CAB-JOUROVA)
Sent: Thursday, June 28, 2018 1:39 PM
To: (CAB-JOUROVA)
Cc: (CAB-JOUROVA)
Subject: Flash Facebook 26 April

Flash report - meeting with Facebook 26 April

Participants: Wojtek Talko, ' (HoU DG Just), (DG Just),
Thomas Myrup, '

On the request of Facebook (FB), we met representatives of Facebook to discuss their compliance work on the GDPR. The meeting was mainly a presentation from FB showing the print screens of the real consent process that people have to go through.. FB argued that they will implement some elements of the GDPR globally. FB presented how they intend to comply with the GDPR, including the establishment of a DPO for FB Ireland. FB also presented the technical change in the interface for FB users and face-recognition function. We had a number of questions on compliance with the GDPR of different features presented.

Brussels,
RN/ml(2018)

Dear Sheryl,

I write to you to better understand how data of Facebook users, including possibly that of EU citizens, got into the hands of third parties without their knowledge or consent. I would also like to learn about your plans to address these recent revelations. As you know, the enforcement of data protection rules in Europe is the responsibility of European Data Protection Authorities. They have my unequivocal support and I expect Facebook to fully cooperate with them in the context of their investigations. As you know the GDPR becomes applicable on 25 May. It not only changes the law but introduces a number of principles of particular concern for you and your company.

I am also following with interest the work by the FTC in the US on the matter, in particular with regard to the 2011 Consent Order. They will keep me informed of any enforcement steps they will take. This also matters for the Privacy Shield. It is crucial to address all concerns relating to the respect of EU and US law.

In my view, the concerns raised recently have much broader consequences for the democratic processes.

I regret that Facebook's official statements, including those of CEO Zuckerberg, have not alleviated my concerns.

This is particularly disappointing given our efforts to build a relationship based on trust with you and your colleagues. We have worked together well on a number of issues, in particular on the Code of Conduct on illegal hate speech and our dialogue in the context of the Privacy Shield. This trust is now diminished.

It is clear that your network has great influence and offers great potential for people, advertisers and other businesses. But with great power comes great responsibility. Facebook needs to take steps to regain the trust of its users and to meet its obligation to society.

Democracy requires an open debate. Your platform has been used for many years now as a vehicle for political marketing, but recent news indicates that a lack of transparency and abuse of personal data could also have negative impact on the quality of this debate and even on our electoral processes.

In view of the above I would like to ask you some questions:

- 1) How do you intend to apply the principles enshrined in EU privacy laws, such as purpose limitation and data minimisation on Facebook and among the Facebook family?
- 2) Have any data of EU citizens been affected by the recent scandal? If this is the case, how do you intend to inform the authorities and users about it?
- 3) Are you absolutely certain that such a scenario as with Dr Kogan/Spectre's app and Cambridge Analytica couldn't be repeated today?
- 4) Is there a need for stricter rules for platforms like those that exist for traditional media?
- 5) Do you intend to change anything in your approach to corporate social responsibility, especially when it comes to transparency towards your users and regulators?

I would appreciate a reply within the next 2 weeks.

Regards,

Vera Jourová