Welcome & introduction

Approval of the Agenda
The draft agenda was approved.

Approval of the Minutes of the Social Media Subgroup meeting of 14 September 2018
The minutes had been approved by written procedure, however the final version contained an error in the participants list. A corrected version will be sent out by the Secretariat.

Update from the plenary
- The Terms of Reference and mandates were approved by the September plenary meeting.

National updates
Introduction:

• aim is to exchange information regarding ongoing activities at national level in relation to the functions provided by online social media platforms.

• activities might include: guidance documents issued, ongoing investigations, types of complaints received, recurring requests for clarification by organisations, etc.
aim of the national updates discussion is not to engage in a detailed substantive discussion, but rather to (a) ensure mutual awareness and (b) to ensure that the focus of the subgroup remains relevant (in terms of future work items).

Several members of the subgroup provide an update on relevant activities and trends at national level, amongst other on the topic of fanpages hosted on social media platforms and data processing of non-users by social media platforms.

**Targeting of Social Media Users (Work Item 1)**

The rapporteur presented the outline paper on work item 1, which is discussed amongst the subgroup members to ensure there is a common understanding of the concepts and scope of the paper, to identify outstanding areas of key importance and discuss the questions raised at the end of each section. A detailed discussion on the wording of the draft will follow after the meeting.

Inherently, there are areas of overlap between this work item and the work of other subgroups. Though there is always the possibility to consult another subgroup on a topic, the view is expressed that this should not lead to work in the Social Media SG being held up indefinitely - also consultation might be limited to topics where there is no consensus within the Social Media subgroup or which are of particular concern. Referencing relevant existing guidelines is of course recommended.
DE briefed the subgroup on the decision of the High Administrative Court of Bavaria regarding Facebook Custom Audience (BayVGH, case number: 5 CS 18.1157), noting that the ruling concerns Directive 95/46/EC and the German transposition thereof, and that main findings are not necessarily transferable to the GDPR.

The main findings of the Court were that:

• hashed e-mail-addresses (SHA-256) have to be considered as personal data;
• communication of hashed email-addresses to a social media network for the purpose of targeted advertising is not covered by “processing on behalf of the controller” if the network decides how to further process personal data, in which case the network is a controller itself (or possibly a joint controller);
• such communication is not covered by legitimate interests.

Proposals for common strategic priorities in terms of supervision and guidance (Work item 2)

The rapporteur presents the work item 2 draft for discussion of the different options under each item, in order to receive feedback on potential priorities.

Interplay between GDPR and e-Privacy: several SAs express interest in this topic, the subgroup decides to exchange information SAs on the subject and may keep it under consideration for the time being.

Work plan 2019

The coordination team presents a draft work program.

The plenary has tasked all subgroups with submitting a draft 2019 work plan for discussion at the January plenary meeting.

Any other business

CPC event: Several authorities indicate they will participate.
## To-do/Next steps

<table>
<thead>
<tr>
<th>Welcome &amp; Introduction</th>
<th>National Updates</th>
<th>National updates (decisions, guidance, investigation updates, …) to the coordination team by 16 November 2018. (New) national updates will be discussed at the next meeting of the SMSG</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Targeting of social media users (Work item 1)</td>
<td>Comments to be sent to the co-rapporteurs by 30 November 2018. New version to be circulated to SMSG by 31 January 2018. Document will be discussed at the next meeting of the SMSG</td>
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<td></td>
<td>Work plan 2019</td>
<td>Comments on the draft 2019 work program to be sent to the coordination team by 5 December 2018. The result will be submitted to the EDPB secretariat by 14 December 2018.</td>
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Next meeting: 26 February 2019

### Annex: Attendance List

**SAs**

AT, BE, DE (Federal, Baden-Württemberg, Hamburg, Schleswig-Holstein), DK, EL, ES, FI, FR, HU, IE, IT, LT, LU, NL, PL, SE, SI, UK,

NO, IS

**Further attendees:**

- European Commission
- EDPS
- EDPB Secretariat

22/11/2018