

THE NORWEGIAN DATA INSPECTORATE

# **Social Network Services and Privacy**

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A case study of Facebook

Part II - Questions

## Introduction

Please find enclosed a written report drafted by the Norwegian Data Inspectorate; “*Social Network Services and Privacy - a case study of Facebook*”. Based on this report, the DPA would like to ask your company some questions regarding processing and use of personal data. The purpose of the questions is to increase the transparency regarding your company’s use of personal data, and to fully understand how Facebook works.

We are aware that Facebook is displaying comprehensive information on the website on how personal data is treated. It may still be difficult for a user to navigate the vast amount of information, and furthermore it might be difficult to fully understand the actual impact a Facebook membership has on their privacy.

Hence, we have compiled a list of questions that we kindly ask you to answer briefly, but as accurate as possible. The questions have the intention to enlighten the core issues users would ask themselves, before and after they have entered a Facebook membership. We would appreciate if the answers do not exceed 3-4 sentences per question. As a follow up of your answers, we would very much like to invite Facebook to a meeting to discuss the different topics in more detail.

The questions are presented in the following way; A short introduction to a specific topic, followed by appropriate questions within the same topic.

## Theme and question

**A) When a new account is created, Facebook collects a variety of personal information, at least the following basic information: name, address, e-mail address and birth date.**

Question:

Which basic account information do you share with other businesses in a directly identifiable<sup>1</sup> manner?

And what basic account information do you share with others businesses in an indirect identifiable<sup>2</sup> manner?

**B) Eventually the user will publish information on their wall. The purpose of this, from the user’s perspective, is to share information with a specific group (depending on their chosen privacy settings).**

Questions:

To what extend do you use these additional information for your own purposes? If, or when you do use these data, for what purposes are these data used?

Do you share this additional information with other businesses in a directly identifiable form?

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<sup>1</sup>“A directly identifiable form” means information that is directly linked to a user, such as name and address.

<sup>2</sup>“an indirectly identifiable form” means information on specific person, but where name, address and other directly linkable information is removed. This might be location data of the individual such as address hometown, sex and age.

Do you share this user added information with other businesses in an indirectly identifiable form?

If “yes” to the two last questions: Does Facebook identify what purpose the other businesses have for processing this information before transferring it?

**C) The users are encouraged to post additional information on their profile, such as status, religion, sexual orientation, etc.**

Questions:

To what extent do you use these additional data for your own purposes?

If, or when you do, for what purpose are these data processed?

Do you share this additional data with other businesses in a directly identifiable form?

Do you share this additional data with other businesses in an indirectly identifiable form?

In case of “yes” to the two last questions: Do Facebook identify the purpose of processing of the personal data by these companies?

**D) The users can post pictures and other media files, both on their own wall and on other people's walls as well as create their own albums.**

Questions:

To what extent do you use these additional data for your own purposes?

If, or when you do, for what purpose are these data processed?

Do you share this additional data with other businesses in a directly identifiable form?

Do you share this additional data with other businesses in an indirectly identifiable form?

In case of “yes” to the two last questions: Do Facebook identify the purpose of processing of the personal data by these companies?

**E) European citizens, in a geographical scope of the EU Directive, have guaranteed rights in relation to protection of personal data in accordance with EU Directive 95/46/EC.**

Question:

Based on your company's own judgment, to what extent are European citizen privileges given or acknowledged these rights when using your services?

In general and based on your company's own judgment, to what extent do services on the Facebook platform meet the requirements of the EU Directive?

**F) Facebook allows third parties access to their platform in order to provide additional services. Examples of such services are gaming, document collaboration, social reading, etc. Several of these services seem to be able to change the user's privacy settings, based on the acceptance of an agreement between the user and the third party providing the service.**

Questions:

Can third parties adjust the user's privacy policy, based on an acceptance of a contractual terms and conditions of the service?

Would such adjustments to a user's privacy settings only apply for the current service provider, or will the change in settings apply in general?

Does Facebook provide automatic reset of the privacy policy if or when the user terminates the contract with third parties or must the user alter the settings manually?

How do Facebook use cookies in relation to social plug-ins including the "like" function?

How does Facebook assure that EU users are given clear and comprehensive information and given their consent prior to your company's storing or accessing of information on user equipment?

Do third party web-sites that allow Facebook to store or access information on their reader's equipment, give the necessary information and obtain prior consent?

If "yes" on the last question, how is this solved practically?

**G) Facebook offers so-called "Social plug-ins" - including the "like" function. These plug-in's are normally provided to a vast number of third parties, to use on their web-pages.**

Questions:

Does Facebook collect IP addresses through the "like" plug-in from users that are logged-on to Facebook?

Does Facebook collect IP address through the "like" feature from users that are not logged-on to Facebook?

Does Facebook collect IP addresses through the "like" feature from individuals that are not members of Facebook?

Eventually, what is the purpose for collecting IP addresses?

At what point are the collected IP-addresses made anonymous in your information systems?

What is, according to your company's own judgment, the legal ground for collecting this information and how long is this information stored for later use?

**H) Facebook offers advertisers access to the platform for marketing purposes. The next questions are about the extent of the company's use of customer profile.**

What kind of information does Facebook use as a basis for determining what kind of ads that should be displayed to the user?

Will the advertisers have access to the same data as mention in latter question?

Are advertisers able to access personalized information at all?

Does Facebook sell any information to third parties?

Does Facebook use information collected through the "like" function for marketing purposes in any way?

If yes, please explain this in detail.

**I) Facebook's application "the Friend Finder", is heavily promoted for its possibility to catch up with friends from Windows Live Messenger, Yahoo!, Skype and other similar tools. This service collects contact information from the member's e-mail account and forwards invitations to all contacts.**

Questions:

Does Facebook store collected information about individuals that are not members of Facebook through the "Friend Finder" feature?

If yes, what is the purpose of this collection?

What is, according to your company's own judgment, the legal basis of this collection?

**J) Facebook's application "the face recognition" is a new service added to your social network platform. This application uses advanced facial recognition technology to tag photos with extensive metadata, such as names of persons in the photo and in some cases location data.**

Questions:

Does use of this service only apply for users who have opened for this function in their privacy setting?

If "yes", who may tag a user that has opened up for this service?

To what extend do you use this additional data for your own purposes?

If, or when you do, for what purposes are these data being used?

Are this additional data shared with any<sup>3</sup> third party?

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<sup>3</sup> This question do not relate to a data processor, if utilized.