



September \_\_ 2011

Bjorn-Erik Thon, Director  
The Data Inspectorate of Norway  
P.O. Box 8177 Dep, N-0034 Oslo  
NORWAY

Re: Facebook's Response to Questions from the Data Inspectorate of Norway

Dear Director Thon,

I write now to provide written responses to the questions asked by your Office as Part II of your report, "Social Network Services and Privacy - a case study of Facebook". In accordance with the guidance you have given us, we are providing short replies covering the major points raised. We look forward to meeting with you at a mutually convenient time to discuss these responses in greater detail.

Our response will follow the order in which the questions were asked and will provide the text of your questions verbatim.

**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 manner?*

When a person joins Facebook, he or she agrees that his or her name, profile picture (if one is added), networks (if any are joined), user ID, and username (if the user creates one) will be publicly available information. We state this clearly in our Privacy Policy. Facebook, however, only shares this limited set of public data with trusted partners who have entered into a contractual relationship with Facebook to provide Instant Personalization services. This sharing of basic information is described in Facebook's Privacy Policy. Users may choose to disable the service at any time through the privacy settings, and Facebook will no longer share their basic information with the Instant Personalization websites. Users themselves share their public information with third-party applications that they choose to add.

A user's address, email address, and birth date are not classified as public information. These data items will not be shared with other businesses by Facebook, but an individual user may grant a third-party developer access to this data when he or she adds a third-party application.

Question:

*And what basic account information do you share with others businesses in an indirect identifiable manner?*

The sharing of basic account information is described above. There is no additional sharing in an indirect 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).**

Question:

*To what extent 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?*

When a user publishes information on their own wall, he or she determines the scope of the audience for that piece of information. The content of some posts may be used by Facebook in our advertising or other promotional products. For example, the content of the post may be a factor in the targeting of advertising to particular users (a user posting about 'windsurfing' may be shown advertisements about windsurfing). In some specific cases, the post itself may be displayed in a prominent location as part of a promotional campaign. The content and audience of the post will not be changed, but, rather, the prominence of its display on the screen may be increased or changed. An example of this would be a story generated by a game reporting that a user has reached a particular level. This story would appear as usual in the user's friends' News Feed, but may also be shown in a more prominent location if the game publisher opts to use our Sponsored Story service.

Question:

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

Facebook does not share the content of user wall posts with other businesses. Users may themselves choose to share this content when they add a third-party application.

Question:

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

Facebook does not share the content of user wall posts with other businesses. Users may themselves choose to share this content when they add a third-party application.

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

N/A

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

Question:

*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?*



Each user decides what additional information to add to his or her profile beyond the basic information. All information that a user chooses to add may be used to help target better advertisements to the user. This is clearly declared in the Privacy Policy. Facebook is a free service to over 750 million users. We are only able to keep the service free by showing advertisements to our users. While advertising helps fulfill Facebook's goal of providing a free global platform for sharing and connecting, targeting advertisements based on information users have added to their profile data fields on Facebook provides users with the most engaging and relevant advertisements possible. Importantly, no user data is ever shared with advertisers.

Question:

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

Facebook does not share the content of users' profile data with other businesses. Users may themselves choose to share this content when they add third-party applications.

Question:

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

Facebook does not share the content of users' profile data with other businesses in an indirectly identifiable form.

Question:

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

N/A

**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.**

Question:

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

Photos and media files that have been posted on walls or in albums are used by Facebook pursuant to our Privacy Policy to provide Facebook members with our services. For example, photos in which a user is tagged may be used to create a template to make photo-tagging an easier process.

Question:

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

The templates that we derive from photos are only used for making the process of photo-tagging easier and more efficient.



Question:

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

Facebook does not share user photos, or the templates used to improve the ease and efficiency of photo-tagging, with other businesses. Users may themselves choose to share their photos when they add an application.

Question:

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

Facebook does not share user photos, or the templates used to improve the ease and efficiency of photo-tagging, with other businesses in an indirectly identifiable form.

Question:

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

N/A

**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?*

European citizens using Facebook have a contract with Facebook Ireland Limited, which is the data controller for the purposes of the EU Directive 95/46/EC. The full range of rights is therefore available to European citizens under the supervision of the Irish Data Protection Commission.

Question:

*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?*

Facebook believes its services to be fully compliant with the EU Directive 95/46/EC as enacted in Ireland. We have regular exchanges with the Irish Data Protection Commission on specific points of law raised both by Irish citizens and by citizens of other EEA states through the Irish DPC. To date, we have been able to satisfy our supervisory authority on all these points of law and will continue to strive to do so.

**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.**



Question:

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

Third-party applications are not able to alter the privacy settings of Facebook users. Rather, they request permission from the user to access the content necessary for their application, and the user can decide whether or not to grant this permission on a case-by-case basis.

Question:

*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?*

Granting one application access to data does not have the effect of granting general access to all applications. Each application must ask for its own specific data permissions, and each application must be affirmatively added by a user before any data is transferred. As stated above, applications may not change the privacy settings of the user on Facebook.

Question:

*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?*

When a user uninstalls an application, the application has no further rights to access any of that user's data. Our application policies further require the third party to delete any data that they may have previously obtained from that user with the permissions granted at the time of installation.

Question:

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

The Like button does not place any specific cookies of its own. There may be existing Facebook cookies on the machine of someone visiting a website with the Like button that can be read by Facebook. For example, Facebook members and those who have visited the facebook.com website may have a Facebook cookie on their machines. These cookies are used to personalize the button for a logged-in Facebook user, e.g., to show which of a user's friends have also "Liked" the same content. For someone who is not a Facebook member, the cookie is used only for performance and security purposes. Facebook does not use cookies to track people visiting websites using the Like button.

Question:

*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?*

Comprehensive information about Facebook's use of cookies is provided in our Privacy Policy and help center. For Facebook users, we obtain the consent for the use of a range of cookies when they sign up



to our service. Our Privacy Policy makes it clear that these cookies may be accessed both on facebook.com and when they are visiting other websites with Facebook social plugins.

Question:

*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?*

We have the consent of our users under the terms of our agreement with them for our use of cookies. We note that as a matter of good practice, websites using Facebook's social plugins may additionally disclose their use of our plugins, along with other third-party services, in their own privacy policies and terms of service.

**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?*

In response to all three of these questions, an impression log record is created for all visits to a web page with a Like button. The log record includes the IP address of the machine requesting the Like button. This happens irrespective of the status of the visitor as a Facebook user and is similar to the impression log record that is created whenever anyone visits any website. The transmission of the IP address is a function of the web browser and is not specific to Facebook. It is Facebook's policy to delete unique impression logs after 90 days.

Question:

*Eventually, what is the purpose for collecting IP addresses? At what point are the collected IP-addresses made anonymous in your information systems?*

Facebook only temporarily stores unique impression logs, which include IP addresses. The purpose of temporarily storing the impression logs, including IP addresses, is two-fold. We use IP addresses to monitor the technical performance of the Like button and to detect problems across particular networks. We also use IP addresses to assist us in our security efforts. IP addresses can be useful information in investigating the origins of threats, such as denial-of-service attacks.

Question:

*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?*



We believe that we have legitimate purposes for the limited temporary storage and use of IP addresses described above. We delete the unique impression log data after 90 days. We believe that this processing is necessary and not excessive for the purposes specified. We note that this is consistent with the practice of many websites that keep IP logs for similar purposes.

**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.**

Question:

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

We describe our practices with respect to ad-targeting in our Privacy Policy.

Question:

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

Advertisers are not given access to any user data used for ad-targeting.

Question:

*Are advertisers able to access personalized information at all?*

Advertisers are not given direct access to any personally identifiable information by Facebook.

Question:

*Does Facebook sell any information to third parties?*

Facebook does not sell information to third parties.

Question:

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

When a Facebook user takes an affirmative action to "Like" an object on Facebook or on a third-party website using a Like button, this action forms part of their profile and may be used to target advertisements. Logs of visits to websites with a Like button on them are not used for marketing purposes.

*If yes, please explain this in detail.*

N/A

**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.**

Question:

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

When a user uploads their email address book to Facebook, the email addresses, including those of non-users, will be stored in a contact list associated with the user's personal Facebook account. Facebook members are able to manage their imported email addresses at: [https://www.facebook.com/invite\\_history.php](https://www.facebook.com/invite_history.php)

Question:

*If yes, what is the purpose of this collection?*

This data is stored in order to help users find friends on Facebook. The addresses may also be used by Facebook members to send email invitations to their contacts. Facebook may use the addresses to suggest that the user make a connection if the owner of the email address subsequently joins Facebook.

Question:

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

The data is stored with the consent of the user in order to enhance the use of the service in the user's own interests. It is fully under the control of the user who chooses when to upload it, how to use it, and when to delete it.

**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.**

Question:

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

Facebook does not automatically tag photos. When a user has been tagged in a certain number of photos, that user may be suggested to his or her friends when they upload photos in order to make the photo-tagging process easier and more efficient. If a user does not want to be suggested to his or her friends, he or she may disable this feature in their privacy settings, which will also have the effect of deleting the template data used to make the suggestions.

Question:

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





Any user may tag another user in a photo whether or not the user has disabled the tag suggestions feature; however, if a user has not disabled the feature, Facebook will suggest only to that user's existing friends that they tag the user in photos they upload. Facebook will not suggest a user's name to non-friends.

Question:

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

We only use the templates for the purpose of suggesting photo tags to users.

Question:

*If, or when you do, for what purposes are these data being used? Are this additional data shared with any third party?*

As stated above, the only purpose and use of the templates is to suggest photo tags to users to make the photo-tagging process easier and more efficient. The feature was designed and implemented as an enhancement to our extremely popular photos product. We do not share the templates with any third party.

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We appreciate the opportunity to provide these clarifications to you and are pleased that you are taking a cooperative approach in examining Facebook's policies and practices. We look forward to further discussions with you at a mutually convenient time. Please feel free to contact me directly to make such arrangements. In the meantime, if you have questions or concerns, please do not hesitate to contact me.

Yours Truly,

Richard Allan  
Director of Policy for Europe, Africa, and Middle East