

WRITTEN QUESTION E-1703/09
by Katerina Batzeli (PSE)
to the Commission

Subject: Need to protect Facebook users

Facebook is today one of the most popular websites world-wide, with some 150 million active users. When they register, users have to consent to a series of conditions of use in order to access the website's services.

Recently, a storm of protest by users and personal data protection bodies forced Facebook's founder and manager to revoke an amendment to the conditions of use of Facebook services which provided for the transfer for an unlimited period of time to the website managers the right to use the data content which each user publishes on the website. Essentially, these new conditions sought to make Facebook the 'holder in perpetuity' of user data (photographs, comments and information which they upload on their personal pages), even in the case of those users who decide to stop using the website and 'close' their accounts.

Despite this temporary climbdown, the question of the protection of intellectual property rights in relation to the information which each user posts on this specific website remains an open one which needs a solution, especially as the same company has announced its intention to use this information for publicity and commercial purposes which essentially go beyond the initial intention of the users when they post this information on the website.

Given that the issue of Internet governance and the protection of the intellectual property rights of users is an exceptionally complex one, will the Commission give its position on the following questions:

1. Is the website ownership entitled unilaterally to change the conditions of use – which will apply retroactively to boot – for members who have already registered, without previously informing them and obtaining their consent in advance?
2. Is it acceptable practice for the management of intellectual propriety rights on the Internet to be subject to the practice and unilateral terms individual management companies choose to adopt at any given time, or should we aim for a Community-wide and international policy of minimum standards in respect of these conditions?
3. What safeguards valves are provided for Facebook users who are minors?