

PRESS RELEASE

July 28th 2015

Hamburg Data Protection Commissioner: Free choice of Facebook usernames

Administrative order declares obligation to use real names in Social Network inadmissible

The Hamburg Commissioner for Data Protection and Freedom of Information has issued an order against Facebook Ireland Ltd for violation of the Federal Telemedia Act and the Act on Identity Cards and Electronic Identification. Therein the company is committed to allow the pseudonymous usage of its service. The blocking of an account due to pseudonymous usage has to be set aside. It is additionally ordered, that Facebook has to refrain from unilaterally renaming the username into the real name of the user. Furthermore it is inadmissible to demand the submission of digital copies of official photo identifications (national ID-card or passport) for identification purposes.

Background of the order is the complaint of a user, who used her Facebook account with an alias name (pseudonym). She wanted to avoid that her private account was used by others for business contacting. Thereupon Facebook blocked her account and requested from her the use of her real name in the profile. Furthermore she was requested to proof her identity with official photo identification. Another identification document provided by her was not accepted by Facebook. Against her will Facebook changed her username into her real name. Thereby Facebook disclosed her real name to her "friends". The unlocking of the account was under the condition that she agreed to the changes. She preferred to lodge a complaint with the Hamburg Data Protection Authority.

To this, Johannes Caspar, Hamburg Commissioner for Data Protection and Freedom of Information: "As in several other complaints against Facebook as well, this case is a good example which shows, that the network provider enforces mightily the real name policy towards its users. In doing so it shows no respect for national legislative provisions. The real name policy infringes the right of the user for pseudonymous usage of the service as regulated in the Federal Telemedia Act. The automated storage of digital copies of official photo identifications violates the Act on Identity Cards and Electronic Identification and Passport Act as well. The arbitrary change of the user name blatantly violates the right of the user to informational self-determination and represents yet another violation of data protection regulations. For that matter Facebook cannot again argue, that only Irish Data Protection law would be applicable. This loophole was blocked by the ECJ with its jurisdiction concerning the Google search engine last year. Facebook is with its German establishment in Hamburg economically active in Germany. After that the following applies: Anyone who stands on our pitch also has to play our game."

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