



02/10/2018

AMENDMENTS: 37

Claude Moraes

The use of Facebook users' data by Cambridge Analytica and the impact on data protection

Draft motion for a resolution PE627.833v02-00 - 2018/2855(RSP)

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Amendments per language:

EN: 37

Amendment 1

Axel Voss

Draft motion for a resolution

Citation 13

[Draft motion for a resolution]

- having regard to the *Opinion* of the Article 29 Working Party of 3 October 2017 on *the protection of individuals with regard to the processing of personal data*¹;

Amendment

- having regard to the *Guidelines* of the Article 29 Working Party of 3 October 2017 on *Automated individual decision-making and Profiling for the purposes of Regulation 2016/679*²;

Or.en

Amendment 2

Axel Voss

Draft motion for a resolution

Citation 14 a (new)

[Draft motion for a resolution]

- *having regard to the two sets of written replies to questions that were left unanswered at the meeting between EP group leaders and Facebook CEO Zuckerberg published by Facebook on 23 May 2018*³ *respectively 04 June 2018*⁴;

Or.en

¹ ec.europa.eu/newsroom/article29/document.cfm?doc_id=49826

² ec.europa.eu/newsroom/article29/document.cfm?doc_id=49826

Amendment 3
Axel Voss

Draft motion for a resolution
Citation 16 a (new)

[Draft motion for a resolution]

Amendment

- *having regard to Commission Recommendation (EU) 2018/234 of 14 February 2018 on enhancing the European nature and efficient conduct of the 2019 elections to the European Parliament⁵ and Commission Recommendation of 12 September 2018 on election cooperation networks, online transparency, protection against cybersecurity incidents and fighting disinformation campaigns in the context of elections to the European Parliament⁶; and the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on Securing free and fair European elections⁷.*

Or.en

Amendment 4
Axel Voss

Draft motion for a resolution
Citation 16 b (new)

[Draft motion for a resolution]

Amendment

- *having regard to the proposal from the Commission for a Regulation of the European Parliament and of the Council amending Regulation (EU, Euratom) No 1141/2014 as regards a verification procedure related to infringements of rules on the protection*

⁵ OJ L 45, 17.2.2018, p. 40–43

⁶ C(2018) 5949 final

⁷ COM(2018) 637 final

Or.en

Amendment 5

Axel Voss

Draft motion for a resolution

Citation 16 c (new)

[*Draft motion for a resolution*]

Amendment

- *having regard to the Commission guidance on the application of Union data protection law in the electoral context*⁹

Or.en

Amendment 6

Axel Voss

Draft motion for a resolution

Recital A

[*Draft motion for a resolution*]

Amendment

A. whereas investigative journalism uncovered and made public major data leaks of Facebook user data in relation to the access that was granted by Facebook to third party applications and the subsequent abuse of this data for electoral campaigning efforts and other personal data ***breaches of*** personal data held and gathered by major social media companies that came to light afterwards;

A. whereas investigative journalism uncovered and made public major data leaks of Facebook user data in relation to the access that was granted by Facebook to third party applications and the subsequent abuse of this data for electoral campaigning efforts and other ***infringements of*** personal data ***rules regarding*** personal data held and gathered by major social media companies that came to light afterwards;]

Or.en

⁸ COM(2018) 636 final/2

⁹ COM(2018) 638 final

Amendment 7

Axel Voss

Draft motion for a resolution

Recital B

Draft motion for a resolution

- B. whereas **these** personal data **breaches** impacted citizens across the globe, including European citizens and non-European citizens residing on European Union territory, whereas various national parliaments conducted hearings, inquiries and published findings on the matter;

Amendment

- B. whereas **this misuse of** personal data impacted citizens across the globe, including European citizens and non-European citizens residing on European Union territory, whereas various national parliaments conducted hearings, inquiries and published findings on the matter;

Or. en

Amendment 8

Axel Voss

Draft motion for a resolution

Recital C

[Draft motion for a resolution]

- C. whereas **these** personal data **breaches** occurred before the application of the new General Data Protection Regulation and for an extended period of time; whereas the companies concerned were however **in breach** of EU data protection law applicable at that time, particularly Directive 95/46/EC and Directive 2002/58/EC;

Amendment

- C. whereas **this misuse of** personal data occurred before the application of the new General Data Protection Regulation and for an extended period of time; whereas the companies concerned were however **infringing** EU data protection law applicable at that time, particularly Directive 95/46/EC and Directive 2002/58/EC;

Or.en

Amendment 9
Axel Voss

Draft motion for a resolution
Recital J

[Draft motion for a resolution]

J. whereas Facebook refused to delegate the staff members at the appropriate technical and responsibility level and having the necessary technical expertise and knowledge requested by the Committee Chairs concerned and sent public policy team members to all three hearings instead; whereas ***information provided by*** Facebook representatives ***during the hearings lacked precision on*** the concrete and specific measures taken to ensure full compliance with EU data protection law ***and was rather of general nature;***

Amendment

J. whereas Facebook refused to delegate the staff members at the appropriate technical and responsibility level and having the necessary technical expertise and knowledge requested by the Committee Chairs concerned and sent public policy team members to all three hearings instead; whereas ***the*** Facebook representatives ***provided examples regarding*** the concrete and specific measures taken to ***improve transparency and*** ensure full compliance with EU data protection law; ***whereas these oral testimonies were supplemented by two sets of written replies in relation to the questions which were not addressed by the Facebook CEO during the CoP hearing;***

Or.en

Amendment 10
Axel Voss

Draft motion for a resolution
Recital M

[Draft motion for a resolution]

M. whereas the Chair of the European Data Protection Board highlighted that the Facebook / Cambridge Analytica case occurred before the entering into force of the GDPR, and thus the ***EDPB is not the leading authority in this case but rather*** the UK Information Commissioner's Office;

Amendment

M. whereas the Chair of the European Data Protection Board highlighted that the Facebook / Cambridge Analytica case occurred before the entering into force of the GDPR, and thus ***the system of Lead Supervisory Authority under the General Data Protection Regulation does not apply and the investigations were***

Justification: The EDPB cannot be a Lead Supervisory Authority. It has to be one of the national DPAs (the DPA of the MS where the company concerned has its main establishment).

Or.en

Amendment 11
Axel Voss

Draft motion for a resolution
Recital N

[Draft motion for a resolution]

N. whereas Facebook *accepted and agreed to* a contract with an app developer *that openly announced they* reserved the right to disclose personal data to third parties and such practice was already illegal under the *old* data protection law;

Amendment

N. whereas Facebook *has admitted that it entered into* a contract with an app developer *without having conducted a prior check of its terms and conditions, which* reserved the right *for the latter* to disclose personal data to third parties; *whereas this oversight had grave consequences* and such practice was already illegal under the *then applicable* data protection law;

Or.en

Amendment 12
Axel Voss

Draft motion for a resolution
Recital O

[Draft motion for a resolution]

O. *whereas negotiations are currently ongoing on the E-Privacy Regulation;*

Amendment

O. *deleted*

Or.en

Amendment 13
Axel Voss

Draft motion for a resolution
Recital P

[Draft motion for a resolution]

P. whereas the EDPB *has* already *received over 30* cross-border cases *which it vowed to investigate very carefully according to the rules of* GDPR; whereas it coordinates the actions of national data protection authorities in order to ensure a common approach of enforcement of EU data protection law;

Amendment

P. whereas the EDPB *indicated that* already *around 100* cross-border cases *are being dealt with under the consistency mechanism under the* GDPR; whereas it coordinates the actions of national data protection authorities in order to ensure a common approach of enforcement of EU data protection law;

Or.en

Amendment 14

Axel Voss

Draft motion for a resolution
Recital Q

[Draft motion for a resolution]

Q. whereas Facebook, a signatory to the Privacy Shield, has confirmed that the personal data of *2,7* million EU citizens were among those improperly used by political consultancy Cambridge Analytica;

Amendment

Q. whereas Facebook, a signatory to the Privacy Shield, has confirmed that the personal data of *up to 2.7* million EU citizens were among those improperly used by political consultancy Cambridge Analytica;

Or.en

Amendment 15

Axel Voss

Draft motion for a resolution

Recital Zc

[Draft motion for a resolution]

Z. c whereas data analysis and algorithms increasingly impact on the information made accessible to citizens; whereas such techniques, *if misused*, may endanger fundamental rights to information as well as media freedom and pluralism;

Amendment

Z. c whereas data analysis and algorithms increasingly impact on the information made accessible to citizens; whereas such techniques *have the potential to improve the online experience of users but*, may endanger fundamental rights to information as well as media freedom and pluralism *if they are misused*;

Or.en

Amendment 16

Axel Voss

Draft motion for a resolution

Recital Zd

[Draft motion for a resolution]

Zd. whereas *algorithmic accountability and transparency* is *essential* to ensure the proper information and clear understanding *of individuals* about the processing of their personal data; whereas *it* should *mean implementing* technical and operational measures that ensure *transparency, the non-discrimination through automated decision-making and ban the calculating of probabilities of individual behaviour; whereas transparency should give individuals meaningful information about* the logic involved, the significance and the envisaged consequences; *whereas this should include information about the data*

Amendment

Zd. whereas *it* is *important to provide individuals with possibilities to obtain* proper information and *to gain a* clear understanding about the processing of their personal data; whereas *platforms* should *implement* technical and operational measures that ensure non-discrimination through automated decision-making *as well as transparency concerning* the logic involved, the significance and the envisaged consequences *thereof*;

used for training big data analytics and allow individuals to understand and monitor the decisions affecting them;

Or.en

Amendment 17

Axel Voss

Draft motion for a resolution paragraph 4

[Draft motion for a resolution]

4. Emphasises the need for *much greater algorithmic accountability and* transparency with regard to data processing and analytics by the private and public sectors and any other actors using data analytics, as an essential tool to guarantee that the *individual* is appropriately informed about the processing of their personal data;

Amendment

4. Emphasises the need for *scientific and ethical standards for algorithms to help reap the benefits of this technology while ensuring trust in its functioning; stresses that* transparency with regard to data processing and analytics by the private and public sectors and any other actors using data analytics *should be enhanced, as individuals should be* appropriately informed about the processing of their personal data;

Or.en

Amendment 18
Axel Voss

Draft motion for a resolution
paragraph 5

[Draft motion for a resolution]

5. Takes the view that the digital age requires electoral laws to be adapted to this new digital reality and suggests Member States introduce an obligatory system of digital imprints for electronic campaigning and advertising. Any form of political advertising should include easily accessible and understandable information on the publishing organisation and who is legally responsible for spending so that it is clear who sponsored campaigns, similar to existing requirements for printed campaign materials currently in place in various Member States;

Amendment

5. Takes the view that the digital age requires electoral laws to be adapted to this new digital reality and suggests ***that conventional (“off-line”) electoral safeguards, such as rules applicable to political communications during election periods, transparency of and limits to electoral spending, respect for silence periods and equal treatment of candidates should also apply online.*** Member States ***should*** introduce an obligatory system of digital imprints for electronic campaigning and advertising ***and implement the Commission’s Recommendation aiming at enhancing the transparency of paid online political advertisements and communications.*** Any form of political advertising should include easily accessible and understandable information on the publishing organisation and who is legally responsible for spending so that it is clear who sponsored campaigns, similar to existing requirements for printed campaign materials currently in place in various Member States; ***Citizens of the Union should be able to easily recognise online paid political advertisements and communications and the party, foundation or organisation behind them.***

Or.en

Amendment 19
Axel Voss

Draft motion for a resolution
paragraph 7

[Draft motion for a resolution]

7. Recommends all online platforms distinguish political uses of their online advertising products from their commercial uses;

Amendment

7. Recommends all online platforms *to distinguish, to the extent possible,* political uses of their online advertising products from their commercial uses;

Or.en

Amendment 20
Axel Voss

Draft motion for a resolution
paragraph 9

[Draft motion for a resolution]

9. *Believes* that profiling for political and electoral purposes, *as, pursuant to* EU data protection law, *it refers to* political or philosophical opinions, *should be prohibited and is of the opinion that social media platforms should monitor and actively inform authorities if such behaviour occurs;*

Amendment

9. *Stresses* that profiling for political and electoral purposes *must take place in compliance* EU data protection law, *in particular the specific rules on processing of sensitive personal data such as* political or philosophical opinions;

Or.en

Amendment 21
Axel Voss

Draft motion for a resolution
paragraph 11a(new)

[Draft motion for a resolution]

Amendment

11a (new) Welcomes the package presented by the Commission on 12 September 2018 regarding preparations for the European elections

Amendment 22
Axel Voss

Draft motion for a resolution
paragraph 11b(new)

[Draft motion for a resolution]

Amendment

11 b (new) Calls on the Member States to implement the Commission's Recommendation on free and fair European elections, which highlights key steps to further enhance the efficient conduct of the 2019 European elections and apply the same principles in the conduct of other elections at national level.

Amendment 23
Axel Voss

Draft motion for a resolution
paragraph 11c(new)

[Draft motion for a resolution]

Amendment

11c (new) Calls for the swift adoption of the proposal of the Commission amending Regulation 1141/2014/EU on European political parties and foundations, to strengthen the tools available to regulators to prevent misuse of data in the context of European Elections

Amendment 24
Axel Voss

Draft motion for a resolution
paragraph 11d(new)

[Draft motion for a resolution]

Amendment

11d (new) Encourages Member States to set up the national election cooperation

networks of relevant authorities, as referred to in the Recommendation of the Commission, in order to quickly detect potential threats to elections, exchange information and best practices and ensure swift and well-coordinated responses.

Amendment 25

Axel Voss

Draft motion for a resolution paragraph 12

[Draft motion for a resolution]

12. Is of the opinion that if companies fail **to agree and** implement such a Code of *Conduct* on ethical campaigning, the European Commission should introduce regulation to make such ethical rules compulsory;

Amendment

12. *welcomes, in this regard, the Code of Practice on Disinformation¹⁰ unveiled on 26 September 2018 by representatives of major online platforms and the advertising industry; believes that the wide range of self-regulatory standards and identified best practice contained therein will contribute to enhanced transparency in political advertising, increased closure of fake accounts and more effective demonetization of purveyors of disinformation; calls on the signatories of the Code to swiftly start implementing the agreed actions and to promote the Code across the industry with a view to encourage other companies to join, thereby increasing its impact; is of the opinion that if companies fail to implement **the** Code of *Practicethe* the European Commission should introduce regulation to make such ethical rules compulsory;*

Or.en

¹⁰ <https://ec.europa.eu/digital-single-market/en/news/code-practice-disinformation>

Amendment 26
Axel Voss

Draft motion for a resolution
paragraph 15

[Draft motion for a resolution]

15. Stresses that social media platforms are not merely passive platforms that only group user generated content but highlights that technological developments have widened the scope and role of such companies by introducing algorithm based advertising and content publication, ***concludes that this new role should be reflected in the regulatory field;***

Amendment

15. Stresses that social media platforms are not merely passive platforms that only group user generated content but highlights that technological developments have widened the scope and role of such companies by introducing algorithm based advertising and content publication;

Or.en

Amendment 27
Axel Voss

Draft motion for a resolution
paragraph 17

[Draft motion for a resolution]

17. Takes note of the privacy improvements that Facebook has undertaken after the Facebook/Cambridge Analytica scandal, but ***recalls that Facebook promised to hold a*** full internal audit of which the European Parliament has not yet been informed and recommends that Facebook make substantial modifications that would also affect the core business model and the structure of its platform;

Amendment

17. Takes note of the privacy improvements that Facebook has undertaken after the Facebook/Cambridge Analytica scandal but ***is still waiting to be informed about the results of the*** full internal audit ***promised by Facebook during the hearings;*** recommends Facebook ***to take the audit seriously and to act on its results, including by modifying aspects related to*** the structure of ***the*** platform;

Or.en

Amendment 28
Axel Voss

Draft motion for a resolution
paragraph 18

[Draft motion for a resolution]

18. Urges Facebook to allow and enable ENISA and the EDPB to carry out a full and independent audit of its platform **investigating data protection and security of user personal data** and to present the findings of such an audit to the *EC*, *EP* and national parliaments; such an **exercise** should also be carried for other major platforms;

Amendment

18. Urges Facebook to allow and enable ENISA and the EDPB, ***within the limits of their respective mandates***, to carry out a full and independent audit of its platform and to present the findings of this audit to the ***European Commission, the European Parliament*** and national parliaments; ***believes that*** such an ***audit*** should also be carried for other major platforms;

Or.en

Amendment 29
Axel Voss

Draft motion for a resolution
paragraph 19

[Draft motion for a resolution]

19. Urges social media platforms to label content shared by bots and to ***follow in this regards*** transparent rules, to speed up the process of removing fake accounts and comply with court orders to provide details of those creating fake or defamatory content;

Amendment

19. Urges social media platforms - ***in accordance with the Code of Practice on Disinformation*** - to label content shared by bots and to ***apply*** transparent rules ***for this purpose***, to speed up the process of removing fake accounts and ***to*** comply with court orders to provide details of those creating fake or defamatory content;

Or.en

Amendment 30
Axel Voss

Draft motion for a resolution
paragraph 21a(new)

[Draft motion for a resolution]

Amendment

21a (new) ***Calls on Member States to adapt the electoral rules to online campaigning including transparency on funding, silence periods and the role of the media and disinformation.***

Or.en

Amendment 31
Axel Voss

Draft motion for a resolution
paragraph 24

[Draft motion for a resolution]

Amendment

24. Takes the view that data protection authorities should ***have the same, if not more*** technical expert knowledge as those organisations under scrutiny. ***Suggests this objective could be reached by introducing funding by a levy on the sector concerned;***

24. Takes the view that data protection authorities should ***be provided with adequate funding to build up the same*** technical expert knowledge as those organisations under ***their*** scrutiny;

Or.en

Amendment 32

Axel Voss

Draft motion for a resolution paragraph 27

[Draft motion for a resolution]

- 27 Notes that the misuse of personal data affects the fundamental rights of billions of people around the globe; considers that the GDPR and the e-Privacy Directive provide for the highest standards of protection; regrets that Facebook decided to move 1.5 billion non-EU users out of the reach of the protection of the GDPR and the e-Privacy Directive;***urges all online platforms to apply the GDPR standards (and the e-privacy) to all their services, regardless of where they are offered, as high standard of protection of personal data is increasingly seen as a major competitive advantage;***

Amendment

- 27 Notes that the misuse of personal data affects the fundamental rights of billions of people around the globe; considers that the GDPR and the e-Privacy Directive provide for the highest standards of protection; regrets that Facebook decided to move 1.5 billion non-EU users out of the reach of the protection of the GDPR and the e-Privacy Directive;

Or.en

Amendment 33

Axel Voss

Draft motion for a resolution paragraph 28

[Draft motion for a resolution]

28. ***Calls on the European Commission to upgrade the competition rules to reflect the digital reality and to look into the business model of social media platforms and their possible monopoly situation, taking into due account the fact that such a monopoly could be present rather due to the specificity of the brand and the amount of personal data that is held rather than an traditional***

Amendment

deleted

monopoly situation and to take the necessary measures to remedy this;

Or.en

Amendment 34
Axel Voss

Draft motion for a resolution
paragraph 29

[Draft motion for a resolution]

Amendment

- 29. *Requests the European Parliament, the Commission, the Council and all other European Union institutions, agencies and bodies to verify that the social media pages and the analytical and marketing tools used on their respective websites should not by any means put to risk the personal data of citizens; suggests them to evaluate their current communication policies in that perspective which may result in considering closing their Facebook accounts as a necessary condition to protect the personal data of every individual contacting them;***

deleted

Or.en

Amendment 35
Axel Voss

Draft motion for a resolution
paragraph 32a(new)

[Draft motion for a resolution]

Amendment

32a (new) Calls on the Member States to take measures to address the risks posed to the security of network and information systems used for the organisation of elections.

Or.en

Amendment 36
Axel Voss

Draft motion for a resolution
paragraph 32b (new)

[Draft motion for a resolution]

Amendment

32b (new) Member States should engage with third parties, including media, online platforms and information technology providers, in awareness raising activities aimed at increasing the transparency of elections and building trust in the electoral processes

Or.en

Amendment 37
Axel Voss

Draft motion for a resolution
paragraph 33

[Draft motion for a resolution]

Amendment

33. Is of the opinion Eurojust should urgently initiate, in cooperation with Member States authorities a special investigation into the alleged misuse of the online political space by foreign forces; ***calls on the Commission to swiftly come up with the necessary proposals to enlarge the competences of EPPO to include prosecution of crimes against electoral infrastructure;***

33. Is of the opinion Eurojust should urgently initiate, in cooperation with Member States authorities a special investigation into the alleged misuse of the online political space by foreign forces;

Or.en

EN