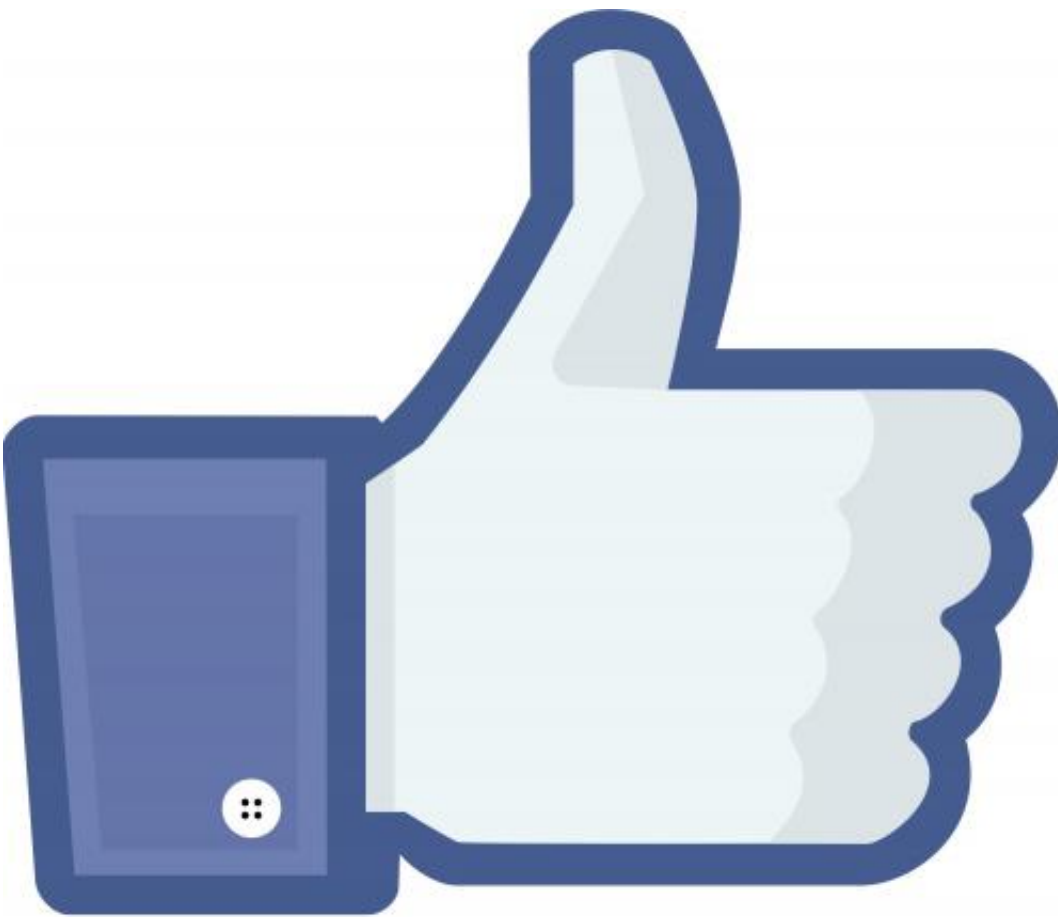


# Belgian groups deem Facebook's updated terms of service agreement unlawful in Europe

February 24 2015, by Bob Yirka

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Two groups, one a team of lawyers, the other made up of media

consultants have together concluded that the new terms of service and data policies instituted by Facebook are illegal in the European Union. The analysis by the combined team came at the request of the Belgian government's Data Protection Authority, which the investigators note, builds on work done previously on behalf of the Flemish Agency for Innovation through Science and Technology. The team has publicly published their findings in a report titled: *From social media service to advertising network—a critical analysis of Facebook's Revised Policies and Terms*.

In the report, the authors note that the changes made to the [terms](#) of service agreement on Facebook recently were minor—instead what Facebook has done is make its practices more explicit. But that has only highlighted, the authors assert, the illegality of the agreement and what the company does with user data. Their chief concern is that Facebook expects too much of its users by forcing them to read, understand and amend a host of settings in order to maintain the privacy levels they desire. They also note that ambiguous language often makes it nearly impossible for users to understand what it is they are agreeing to—such as when agreeing to allow images they post to be used for advertising purposes—which images, and for what purpose are not made clear. There is also mention of third party involvement, with no mention of who those third parties might be or what rights they are granted to private data or images.

The authors also take exception to the either/or option users face with the user agreement—either agree to the terms Facebook outlines, or access is denied—they suggest this violates "freely given" clauses in European law. To be valid, such an agreement needs to allow for consent to be "specific, informed and unambiguous," they claim.

More specifically, the authors suggest that several provisions in Facebook's user agreement violate the EU's Unfair Contract Terms

Directive—instances that fall under combining and sharing of data, additional use of user generated content, use of location data, tracking and data subject rights.

It is not clear at this time if the Belgian government will take action against Facebook based on information in the report, or if the European Union will get involved.

**More information:** [www.law.kuleuven.be/icri/en/news-and-terms-v1-1.pdf](http://www.law.kuleuven.be/icri/en/news-and-terms-v1-1.pdf)

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