

TARGETING ON SOCIAL MEDIA USERS: EUROPEAN DATA PROTECTION BOARD'S GUIDELINES

On 2 September 2020 the European Data Protection Board (“EDPB”) issued its set of Guidelines No. 8/2020 with respect to the targeting of social media users. The purpose of these Guidelines is to identify the categories of subjects involved in the targeting of social media users and their respective roles and liabilities in the processing of personal data.

The EDPB divided such subjects into four groups: Social media providers, their users, “targeters” and other parties who may be involved in the process (*i.e.* IT providers different from the social media providers). In addition, the EDPB has provided guidance concerning the liabilities of the “targeters” and social media providers involved, on the basis also of the European Court of Justice’s decisions *Wirtschaftsakademie* (C- 201/2016) and *Fashion ID* (C-40/17).

The EDPB is an independent European body which contributes to the application of data protection rules throughout the European Union, and includes representatives of the national Data Protection Authorities plus the European Data Protection Supervisor; therefore its Guidelines are binding in all EU Member States and shall be applied also by the Italian Data Protection Authority.

The Guidelines are an essential tool for all subjects involved in the targeting and processing of personal data and provide indications for an assessment of their relationship with respect to social media, in compliance with the European Data Protection Regulation (known in short as “GDPR”).

This alert is updated as of 2 December 2020 and subject to additional amendments.

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SILS’ legal team is specialized in the assistance of the companies in data protection matters also with respect to procedures for the targeting of social media users and the preparation of the appropriate agreements. For further information and queries, please send an e-mail to the partners Mr. Fulvio Pastore-Alinante (fulvio.pastore@silsitalia.it) and Luigi Zumbo (luigi.zumbo@silsitalia.it).

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