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By PwC Deutschland | 25 May 2023

General Court to dismiss action by Meta Platforms against Commission’s request for disclosure of documents

The action brought by Meta Platforms Ireland (Facebook group) against a request from the EU-Commission for release of documents identified by means of search terms or by way of specific keywords was dismissed by the European General Court.

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Background

Based on suspicions of anticompetitive behavior by the Facebook group in its use of data and in the management of its social network platform, the European Commission, by decision of 4 May 2020, sent a request for information to Meta Platforms Ireland Ltd, formerly Facebook Ireland Ltd. That decision required Meta Platforms Ireland to provide the Commission with all documents prepared or received by three of its executives within the period concerned which contained one or more of the search terms defined in the annexes.

Meta Platforms Ireland argued, inter alia, that applying the search terms specified in the request for information would inevitably lead to the capture of a significant number of documents with no relevance to the investigation carried out by the Commission, which would be contrary to the principle of necessity set out in Article 18 of Regulation No 1/2003.

Decision of the General Court

The General Court found that Meta Platforms Ireland has not successfully demonstrated that the request to provide documents to be identified by search terms went beyond what was necessary or that establishing a virtual data room failed to ensure that sensitive personal data was sufficiently protected.

The General Court assessed whether, in accordance with Article 52(1) of the Charter, the contested decision does not go beyond what is necessary to achieve the objectives of general interest which it pursues. The Court recalls, first, that a request for information such as the contested decision constitutes an appropriate measure for achieving the objectives of general interest pursued by the Commission and, second, that the processing of personal data entailed by the contested decision is necessary to fulfil the significant public interest pursued.

It further pointed out that EU law must be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject. The Court stated that these conditions are also satisfied in the present case.

In conclusion the Court found that the contested decision, in so far as it lays down the virtual data room procedure, does not go beyond what is necessary to achieve the objectives of general interest pursued and that the disadvantages involved in that procedure were also not disproportionate to the aims pursued.

Source:

Judgment of the General Court of 24 May 2023 case **T-451/20** *Meta Platforms Ireland v Commission.*
– More details to be found in the **PRESS RELEASE No 83/23** of 24 May 2023.

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Keywords

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