

20 February 2024

Case reference: IC-285025-T1T4

We are now in a position to respond to your information request of 26 January.

Request

"re.: Compliance by Meta Platforms Ireland Limited with the Data Protection (Charges and Information) Regulations 2018 Freedom of Information Act Request"

1. Background

This Freedom of Information Act Request concerns the following company situated in Ireland, which - I believe - forms part of the Meta Platforms conglomerate:

Meta Platforms Ireland Limited, a company registered in Ireland under company number 462932, of registered office Merrion Road, Dublin 4, Ireland, D04 X2K5 ('Meta Platforms Ireland').

Meta Platforms Ireland is the primary operating company for the social media platform known as Facebook, located online at the URL, facebook.com ('the Platform').

2. Data protection by Meta Platforms in the UK

It would appear from information on the ICO website that the so-called "One Stop Shop" regulatory mechanism ceased to apply to the ICO at the end of the Brexit transition period, and consequently, data transfers to and from the UK and the EEA ceased to be treated as "cross border" transfers. Thus, activities involving the processing of personal data in the UK come under the supervision of the ICO. (Consistent with this position, I note that Article 56 of the UK GDPR is now blank).

A search of the ICO Register of data protection fee payers reveals that there is no current UK registration of a data controller for the Platform. There is an ICO registration for Facebook UK Limited (registration reference ZA265194), which I

believe is also a group company of the Meta Platforms conglomerate, but that company does not operate the Platform itself.

This implies that all data protection compliance by Meta Platforms Ireland in regard to the UK is still undertaken under the supervision of the Data Protection Commissioner in Ireland, which must be continuing to act as Lead Supervisory Authority ('LSA'), despite the UK's formal withdrawal from the European Union.

Therefore, it would appear that Meta Platforms Ireland may not be compliant with Regulation 2 of the Data Protection (Charges and Information) Regulations 2018 ('Regulation 2').

3. What I would like to know

3.1. Has the ICO reviewed the position of Meta Platforms Ireland in regard to the question of their compliance with Regulation 2?

3.2. If so, what was the outcome of this review?

3.3. Please provide a copy of any documents, memos and correspondence relevant to this review.

3.4. Has Meta Platforms Ireland been contacted by the ICO with regard to Regulation 2?

3.5. If so, please provide a copy of the correspondence.

3.6. What, if any, enforcement action has been taken by the ICO against Meta Platforms Ireland to ensure compliance with Regulation 2?

3.7. When was this enforcement action taken and what was the outcome?

3.8. If no enforcement action has been taken, please explain why not."

We have handled your requests for recorded information in part 3 (3.1 to 3.7) under the Freedom of Information Act 2000 (FOIA).

Our response

We have consulted with the relevant team within the ICO (Data Protection Fees). Please find below responses to your questions in part 3.

3.1. Has the ICO reviewed the position of Meta Platforms Ireland in regard to the question of their compliance with Regulation 2?

We do not hold information within scope of your request.

The Data Protection Fees team has not reviewed the position of Meta Platforms Ireland Limited regarding compliance with Regulation 2 of the Data Protection (Charges and Information) Regulations 2018.

3.2. If so, what was the outcome of this review?

Please see response to question 3.1.

3.3. Please provide a copy of any documents, memos and correspondence relevant to this review.

Please see response to question 3.1.

3.4. Has Meta Platforms Ireland been contacted by the ICO with regard to Regulation 2?

We do not hold information within scope of your request.

The Data Protection Fees team has not contacted Meta Platforms Ireland Limited regarding Regulation 2 of the Data Protection (Charges and Information) Regulations 2018.

3.5. If so, please provide a copy of the correspondence.

Please see response to question 3.4.

3.6. What, if any, enforcement action has been taken by the ICO against Meta Platforms Ireland to ensure compliance with Regulation 2?

We do not hold information within scope of your request.

No enforcement action has been taken against Meta Platforms Ireland Limited regarding Regulation 2 of the Data Protection (Charges and Information) Regulations 2018.

3.7. When was this enforcement action taken and what was the outcome?

Please see response to question 3.6.

3.8. If no enforcement action has been taken, please explain why not.

Data controllers who process the personal data of UK data subjects within the scope of UK GDPR are subject to payment of the data protection fee to the ICO, unless exempt. Organisations are required to self-assess to determine if the data protection fee is required to be paid. We provide a self-assessment tool on our website [here](#).

Unless an organisation has received correspondence from our Data Protection Fees team, we do not ask organisations to let us know if they do not need to pay a fee.

We currently hold a registration for Facebook UK Limited (ZA265194) and Meta Platforms Inc (ZB540144). You can view details of these on our 'Register of data protection fee payers' online [here](#).

This concludes our response to your request. We hope you found this information helpful.

Next steps

You can ask us to review our response to your requests for recorded information in 3.1 to 3.7. Please let us know in writing if you want us to carry out a review. Please do so within 40 working days. You can read a copy of our full review procedure [here](#).

If we perform a review but you are still dissatisfied, you can complain to the ICO as regulator of the FOIA. This complaint will be handled just like a complaint made to the ICO about any other public authority. You can [raise a complaint through our website](#).

Your information

Our [privacy notice](#) explains what we do with the personal data you provide to us, and sets out [your rights](#). Our [Retention and Disposal Policy](#) details how long we keep information.

Yours sincerely



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Planning Service

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