

PRIVATE & CONFIDENTIAL

Mr Maximilian Schrems
NOYB – European Center for Digital Rights
Goldschlagstraße 172/4/3/2
1140 Wien
Austria

BY EMAIL ONLY: [REDACTED]

10 December 2021

Our ref: [REDACTED]**Matter: Our client – Facebook Ireland Limited (“FIL”)**

Dear Mr Schrems

We refer to your e-mail of yesterday addressed to the Data Protection Officer of FIL in which you asked whether FIL has any objection to the publication by My Privacy is None of Your Business (“**NOYB**”) of a document entitled “Record of Processing Activities (User Data – EU Region)” dated 27 September 2018 (the “**2018 ROPA**”).

Your e-mail indicates that NOYB is considering publishing the 2018 ROPA this coming Sunday as part of what NOYB has been referring to as its “*advert readings*”. The 2018 ROPA was furnished to the Irish Data Protection Commission (the “**DPC**”) by FIL on 27 September 2018 as part of its submissions in DPC Inquiry C-18-5-5 (the “**Inquiry**”). The 2018 ROPA, along with the submissions to which it was appended, was marked on its face to be “Strictly Confidential”. It is only through NOYB’s participation in the Inquiry that NOYB came into possession of the 2018 ROPA. The 2018 ROPA, which *inter alia* contains an overview of technical and organisational security measures then implemented in relation to the Facebook service, is confidential and not intended for wider dissemination.

In these circumstances, the 2018 ROPA should be kept confidential by NOYB and not published by it as threatened under any circumstances. As has been made clear to NOYB on numerous occasions by the DPC, the confidentiality of documents obtained in the course of regulatory processes such as the Inquiry should be maintained, including so as not to prejudice the integrity of those processes contrary to the principles of fair procedure.

FIL’s position is therefore clear that NOYB is not entitled to publish the 2018 ROPA this coming Sunday as threatened, and by doing so it will prejudice the integrity of the Inquiry. All of FIL’s rights and entitlements in this regard are reserved accordingly.

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Yours faithfully

Sent by email, no signature

MASON HAYES & CURRAN LLP