



20/11/2023, Strasbourg

Written Question to the European Commission

Subject: Meta, Facebook and Instagram pop-up: illegally making users pay for privacy

Recently, Meta displays pop-ups on its services Facebook and Instagram obliging users to make a choice to continue using the service between:

a) rejecting tracking and other processing of users' personal data for advertisements, starting at 12.99 per month

or

b) accepting tracking and other processing of personal data to use for advertisements and continuing to use the service for free.

1. Does the Commission agree this is illegal under the GDPR, as making the provision of a service conditional upon consent, while making the rejection of processing conditional upon payment can never be 'freely given' consent under the GDPR?

2. Does the Commission agree this could be illegal under the Digital Services Act, notably Articles 26(3) and 28, as many minors on Instagram are presented with this choice and it is unclear which data the services process, and is the Commission prepared to use its enforcement powers?

3. Alternatives for tracking, such as contextual advertising are available and feasible.

As millions of users in the EU are currently confronted with this choice, what will the Commission do to urgently ensure the right data protection is protected and people in the EU do not have to pay for their privacy?

Undersigned Members of the European Parliament:

Kim van Sparrentak, (Greens/EFA)

Paul Tang, (S&D)