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Facebook Shouldn't Intimidate You, Privacy Watchdog Tells Court

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- ▶ Belgian privacy regulator suing Facebook over its use of data
- ▶ Facebook argues it's subject to Irish, not Belgian law

Belgian regulators urged a judge not to be intimidated by Facebook Inc. as they sought an order forcing the U.S. company to change its privacy policies to comply with local law.

The Belgian Privacy Commission is one of several European regulators that have taken issue with Facebook's handling of user data.

The European Union's 28 privacy watchdogs are coordinating national probes into possible violations of EU law by Facebook's revamped policy for handling personal photos and data. Dutch regulators were the first to step in after Facebook alerted its users in November of changes effective in January.

"Don't be intimidated by Facebook," Frederic Debussere, a lawyer representing the Belgian privacy commission, told a Belgian court at a hearing in Brussels Monday. "They will argue our demands cannot be implemented in Belgium alone. Our demands can be perfectly implemented just in this country."

Facebook's "disrespectful" treatment of users' personal data, without their knowledge, "needs tackling," Willem Debeuckelaere, president of the Belgian commission said in May. The watchdog is suing Menlo Park, California-based Facebook for failing to respond to its demands, threatening a daily fine of 250,000 euros (\$281,000).

Facebook's said that it should only be subjected to privacy laws in Ireland, where the U.S. company has its European headquarters -- an argument it has used in other countries, including Germany.

“How could Facebook be subject to Belgian law if the management of data gathering is being done by Facebook Ireland and its 900 employees in that country?” asked Paul Lefebvre, a lawyer representing the U.S. company.

The Belgian regulator said it has the power to investigate possible violations of its citizens’ privacy rights.

“When it became known that the NSA was spying on people all around the world, everybody was upset,” said Debussere, referring to revelations by former National Security Agency contractor Edward Snowden about U.S. government surveillance activities. “Well, this actor is doing the very same thing, albeit in a different way.”

The Belgian regulator earlier this year cited concerns over how Facebook can track customer behavior from their use of so-called social plugins such as the “like” button, the “share” button, comments and other tools on the Facebook page.

“Why does Facebook use these data cookies?” asked Facebook’s Lefebvre. “They allow Facebook Ireland to identify bad faith attempts to gain access via the browser being used. If this would no longer be possible, Belgium would become a cradle for cyber terrorism: just the opposite of what the privacy commission strives for.”

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