[IT] AGCOM fines Meta for failing to provide relevant information

IRIS 2023-8:1/13

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The Italian Communications Authority (AGCOM) has once again sanctioned the company META PLATFORMS IRELAND LIMITED (see IRIS 2023-3:1/14) for failing to provide requested information.

The story originates from a previous case, which resulted in a fine of EUR 750 000 and highlighted a clear need to recover information relating to users of Meta's Facebook content sharing platform.

Some users of this platform used Meta's advertising services to promote online gaming sites with cash prizes. In 2018, Italian legislation introduced an absolute ban on any advertising, direct or indirect, carried out in any way on any transmission platform, including social networks, relating to games with cash prizes or games of chance. Furthermore, this law identified several individuals equally responsible for the crime, in particular:

1) the client,

2) the owner of the means or the place of diffusion or destination and

3) the organiser of the demonstration, event or activity.

Therefore, in the context of the proceeding described above, AGCOM requested Meta Platforms Ireland limited to provide, pursuant to art. 1, paragraph 30, of law 249/1997, for each sponsorship in violation of the ban, a series of information, including the related economic value, the data of the contractual counterparty and a copy of the agreement/contract sponsorship executed.

This information was essential for AGCOM to identify the perpetrators, who are otherwise only known by the nickname used on the Facebook platform. In fact, given the short duration of the various sponsored posts, AGCOM couldn't contact the aforementioned individuals or customers in any capacity through the messaging function of the Facebook platform.

Meta Platforms Ireland Limited is the only entity that has the necessary information to identify the perpetrators of the aforementioned crimes, due to the double circumstance that the said perpetrators are both users of the platform

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and, as shown by the investigations carried out in the scope of the proceedings concluded with resolution no. 422/22/CONS, have signed a real paid sponsorship contract to disseminate advertising messages relating to games with cash prizes and games of chance.

For this reason, the failure to provide the information requested prevented the performance of the related activities and resulted in a fine of EUR 100 000.00, equal to the maximum envisaged.

Delibera n. 204/23/CONS "Ordinanza-ingiunzione nei confronti della società meta platforms ireland limited per la violazione dell'articolo 1, comma 30, della legge n. 249/97 (cont. 3/23/dsdi – proc. 19/fdg)"

https://www.agcom.it/documentazione/documento?p_p_auth=fLw7zRht&p_p_id=101_INSTANCE_FnOw5lVOIXoE&p_p_lifecycle=0&p_p_col_id=column-1&p_p_col_count=1&_101_INSTANCE_FnOw5lVOIXoE_struts_action=%2Fasset_publisher%2Fview_content&_101_INSTANCE_FnOw5lVOIXoE_assetEntryId=31233771&_101_INSTANCE_FnOw5lVOIXoE_type=document

Decision No 204/23/CONS 'Order-injunction against the company meta platforms ireland limited for breach of Article 1(30) of Law No 249/97 (cont. 3/23/dsdi - proc. 19/fdg)'

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