

## **PUBLIC CONSULTATION**

*On Guidelines 08/2020 on the targeting of social media users  
&  
Guidelines 07/2020 on the concepts of controller and processor in the  
GDPR*

**European Data Protection Board**

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The Union des Marques, the french association of advertisers, thanks the EDPB to give industry the opportunity to comment the draft of guidelines on the targeting of social media users (08/2020) and on the concepts of controller and processor in the GDPR (07/2020).

Regarding the concepts of controllers and processor in the GDPR, we are pleased that EDPB adopted guidelines to clarify the concepts of controller and processor and help industry to evaluate their status in the variety of situation that can occur. The section on joint controllership, referring to recent case law is welcome particularly about the confirmation that the existence of joint responsibility does not necessarily imply equal responsibility of the various operators involved in the processing of personal data.

In a general way, the fact that has been privileged a risk-based approach is also welcome. However, the principle of a case by case analysis should be more affirmed and some formulations and examples should be nuanced. For example the point 62 and the foot note 24 should be nuanced as it can suppose that the only fact to choice a standardized solution, to make the decision to use a technical solution package demonstrates the determination of the means of the processing entirely.

Regarding targeting on social media users, we are pleased that EDPB gives clarifications on the status of join controllership and independent controllers. However, a case by case analysis should prevail. That is equally the same about the legal basis of the processings. The development on legitimate interest should be nuanced and a risk-based approach taking into account safeguards put in place and balance of interests should be taken into account.

A sufficient period of time for companies to implement guidelines in their relationship should finally be provided by EDPB.