Processing under EU Regulation 2021/1232

Summary:

This is a report made by Meta Platforms Ireland Limited (Meta Ireland) in accordance with EU Regulation 2021/1232 on a temporary derogation from certain provisions of Directive 2002/58/EC as regards the use of technologies by providers of number-independent interpersonal communications services for the processing of personal and other data for the purpose of combating online child sexual abuse (EU CSAM Derogation).

Article 3(1)(g)(vii) of the EU CSAM Derogation requires service providers to publish a report which relates to its processing of personal data in reliance of the EU CSAM Derogation. This report is published for the purposes of compliance with this reporting obligation and provides data relating to our use of technology for the detection, reporting and removal of Child Sexual Abuse Material (CSAM). Specifically, this report covers the period from November 8, 2021 to December 31, 2021 Inclusive; November 8, 2021 is the date on which Meta Ireland resumed scanning for CSAM in the EU on some of its surfaces.

Please note that this report only covers specific measures falling within the area of applicability of the EU CSAM Derogation and does not give a full account of the measures Meta Ireland takes to protect children on its platforms.

Detail:

(1) The type and volumes of data processed:
We run our media matching technology on images and video (media) across Messenger and Instagram Direct.

(2) The specific ground relied on for the processing pursuant to Regulation (EU) 2016/679:
The processing in the area of applicability of the EU CSAM Derogation in particular serves to protect the vital interests of victims of sexual abuse. It is also carried out in the public interest and supported by a legitimate interest of providers to avoid CSAM being shared on their services, and to protect third parties against this type of abuse. Meta Ireland describes the legal bases for its processing of personal data under Regulation (EU) 2016/679 in the Data Policy (https://www.facebook.com/privacy/explanation), specifically in the section “What is our legal basis for processing data?”. Further information on the specific legal bases Meta Ireland relies on is available here: https://www.facebook.com/about/privacy/legal_bases.

(3) The ground relied on for transfers of personal data outside the Union pursuant to Chapter V of Regulation (EU) 2016/679, where applicable:
To the extent that the processing in scope of the EU CSAM Derogation involves data transfers from Meta Ireland to the United States or other countries outside of the EEA, Meta
Ireland uses appropriate data transfer mechanisms under Regulation (EU) 2016/679. Meta Ireland relies on Standard Contractual Clauses approved by the European Commission for the internal transfers to Meta Platforms Inc. as its processor.

(4) **The number of cases of online child sexual abuse identified, differentiating between online child sexual abuse material and solicitation of children:**
Between November 8, 2021 to December 31, 2021, we actioned about 340K accounts that were detected using our media matching technology as sending at least one piece of media constituting CSAM, in message threats which included an EU user.

(5) **The number of cases in which a user has lodged a complaint with the internal redress mechanism or with a judicial authority and the outcome of such complaints:**
During the same period, about 4.9K users appealed these actions. Following the appeals process, 207 users had their content restored and account actions reversed.

(6) **The numbers and ratios of errors (false positives) of the different technologies used:**
Of the 4.9K users who appealed the actions, 207 users had their content restored and account actions reversed since we identified an error in our detection.

(7) **The measures applied to limit the error rate and the error rate achieved:**
Meta Ireland uses media matching technologies that help detect, remove and report the sharing of media that exploits children. These media matching technologies create a unique digital signature of an image (known as a "hash"), which is then compared against a database containing signatures (hashes) of previously-identified CSAM. Daily samples of media detected by our technology as CSAM are audited by human reviewers. There is also an alert system in place which ensures that high volume clusters are flagged and reviewed. Further, we provide an appeal mechanism if a sender of a message disagrees with content we have removed as CSAM.

(8) **The retention policy and the data protection safeguards applied pursuant to Regulation (EU) 2016/679:**
Meta Ireland has robust data privacy, security and retention policies in place. These policies include industry standard encryption of data in transit; access control; and strict retention policies for detected media containing CSAM. Detected CSAM is generally retained for 90 days.

(9) **The names of the organisations acting in the public interest against child sexual abuse with which data has been shared pursuant to this Regulation:**
The National Center for Missing and Exploited Children (NCMEC).

Date of report: February 2, 2022.
Dear team,

We hope you had an enjoyable summer.

Further to your email of 6 Jul please see the attached response from Meta Ireland. As is also mentioned in that response, thank you for your fight against online child sexual abuse.

With thanks and best wishes,

Meta
Date: Wednesday, 6 July 2022 at 09:17

Subject: RE: Report re: Article 3(1)(g)(vii), EU Regulation 2021/1232 - Meta Platforms Ireland Limited

Dear [Name],

We would like to clarify some points in Meta’s report on the processing of personal data under the Regulation (EU) 2021/1232. We would appreciate if you could give us replies to the question below within 1 month (but do let us know if more time is needed given the summer period).

1. Types and volumes of data processed: Please specify the types of content data (text, images, video, other) and traffic data (persons involved in communications or their identifiers, their location, date and time of communications, other) processed and the respective volumes (in GB or number of data sets) of the different types of content and traffic data processed.

2. Number of cases of online child sexual abuse identified: out of the 340K accounts actioned, could you please differentiate between online child sexual abuse material and solicitation of children? As regards CSAM, we would highly appreciate if you could differentiate between known and unknown material.

3. Do you apply any measures to detect known CSAM, new CSA material and grooming?

4. Have you received any feedback on the number of errors (false positives) for known CSAM, new CSA material and grooming, from the organisations with which the data has been shared?

5. Data protection safeguards applied pursuant to Regulation (EU) 2016/679: could you please be more specific about your “industry standard encryption of data in transit” and “access control” safeguards as well as other data protection safeguards?

Thank you and best regards,

Team for fight against child sexual abuse
European Commission - DG Migration and Home Affairs
From: [Redacted]
Sent: Wednesday, February 2, 2022 5:04 PM

Subject: Report re: Article 3(1)(g)(vii), EU Regulation 2021/1232 - Meta Platforms Ireland Limited

Dear Sir / Madam

Please find attached the report that Meta Platforms Ireland Limited has prepared in line with Article 3(1)(g)(vii) Regulation 2021/1232 (CSAM Derogation).

As required by Article 3(1)(g)(vii) CSAM Derogation, Meta Platforms Ireland Limited also separately submits this report to the Irish Data Protection Commission and publishes it online in Meta’s Transparency Center.

We remain available for anything further that you may require.

Kind regards,

Meta
31 August 2022

Dear Sir / Madam,

Thank you for your email of 6 July in which you wish to clarify some points in the report made by Meta Platforms Ireland Limited (Meta Ireland) on the processing of personal data under Regulation (EU) 2021/1232 (CSAM Derogation). We understand that you are requesting this clarity to assist with the Commission’s drafting of its implementation report pursuant to Article 9 of the CSAM Derogation.

In response to your Q1, further information on the specific incident type of CyberTip reports made to NCMEC by industry can be found here. Our report dated 2 February 2022 includes available information on the volumes and type of data processed by us pursuant to the CSAM Derogation. In response to your request for volume of message traffic data pursuant to the CSAM Derogation, there is no data to provide in this regard given the narrow permitted scope of the CSAM Derogation.

Forward looking to our CSAM Derogation Transparency Report to be published before 31 January 2023 (i.e. relating to data processed by Meta Ireland in 2022 pursuant to the CSAM Derogation), we are working to provide additional granularity as to the number of pieces of CSAM content actioned.

In response to your Qs 2 and 3, we would also like to clarify that our report only covers processing of data which is subject to (and technological measures permitted by) the narrow parameters of the CSAM Derogation. Accordingly, our processing relates to (and the 340k accounts were actioned by) our use of technology for the proactive detection of known CSAM only (using a technique referred to across industry as ‘hash matching’). We are not aware of existing technologies which meet the level of accuracy contemplated by the CSAM Derogation to scan communications for new CSAM or solicitation of children (grooming).

In response to your Q4, we engage regularly with NCMEC for suggestions on how the quality of CyberTip reports can be improved. We also have in place processes and dedicated contact points for NCMEC to bring to our attention any false positives, in relation to which action is taken at the earliest opportunity. Moreover, if we become aware of any false positives (e.g. from NCMEC, or through our user redress processes, or through our other controls in place), we ensure that NCMEC is informed as soon as possible of the false positives and we also reverse any action taken.

Finally, in response to your Q5, we also note the Commission’s request for clarity on the data protection safeguards applied by Meta Ireland pursuant to Regulation (EU) 2016/679. In this regard, Meta Ireland completed a security risk assessment to ensure that appropriate technical and organisational security measures in accordance with Article 32 GDPR were implemented to protect
scanned message content and corresponding user data processed by Meta Ireland pursuant to the CSAM Derogation. Security measures include:

- The implementation of physical access restrictions;
- Data encryption in transit over public networks using industry standard TLS 1.3 and Meta Ireland employees and contingent workers use VPN to connect to the Meta Ireland network. Meta Ireland employs industry standard encryption algorithms and protocols to secure and maintain the confidentiality of user data in transit. Employing industry standard encryption algorithms enables Meta Ireland to secure user data in transit from access by third parties. As data moves from user devices to Meta Ireland’s network, industry standard encryption algorithms and protocols, such as Transport Layer Security ("TLS") and Advanced Encryption Standard ("AES"), to safeguard data, are used as data traverses between our privately owned infrastructure and public networks;
- Providing high levels of protection against unauthorised access to CSAM and CSAM hashes through strict internal access permissions and usage of Access Control Lists across CSAM review tools and CSAM hash banks;
- Maintaining a security incident response plan for monitoring, detecting, and handling any possible security incidents; and
- Maintaining a vulnerability management program to identify, track, and remediate any security vulnerabilities across our infrastructure.

We thank you for your fight against online child sexual abuse, and we remain available to answer any further questions you may have.

Meta Platforms Ireland Limited