

Letters



Estelle Massé
Access Now, Global Data Protection Lead,
Isedua Oribhabor
Access Now, Business and Human Rights Lead

Sent by e-mail only

Brussels, 28 July 2022

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Dear Ms. Massé, Ms. Oribhabor,

With respect to your letter of 5 July 2022, please allow me to start by expressing my appreciation for the work carried out by Access Now in relation to the protection of the rights of individuals in the context of the data protection legislation.

With your aforementioned letter, you drew my attention to the change of legal basis that TikTok had announced with regard to personalized advertisements. More specifically, you mentioned that TikTok informed its users that the platform would no longer seek their consent to send personalized advertisements but that as of 13 July 2022 the legal basis to send them such material would be the legitimate interest of TikTok and its partners.

In your letter you have, inter alia, invited the Supervisory Authorities to take swift action against this change of the privacy policy of TikTok.

As you may already know, on 12 July 2022 TikTok announced that it would pause the change in the legal basis used for personalised ads. This outcome is the result of the immediate and efficient action that three Supervisory Authorities, namely the Irish, Italian and Spanish Supervisory Authorities, undertook in this respect from 7 until 12 July 2022.


The Italian and Spanish Supervisory Authorities took measures against TikTok on the basis of the ePrivacy Directive. On 7 July 2022, the Italian Supervisory Authority adopted a decision with a warning against TikTok on the basis of imminent violations of the ePrivacy Directive and reserved its right to take additional measures, including adopting provisional measures under Article 66(1) GDPR. On 12

July 2022, the Spanish Supervisory Authority announced that it would launch an ex officio investigation against TikTok.

On 11 July 2022, the Irish Supervisory Authority, as the lead Supervisory Authority of the platform under the GDPR engaged with TikTok with respect to the foreseen changes. Following this engagement, it was announced that the change of legal basis envisaged by TikTok would be halted.

This suspension by TikTok of the envisaged change of legal basis as the result of the swift and efficient reaction of the Supervisory Authorities highlights their determination and commitment to safeguarding the interests of the users of TikTok and of data subjects in general. Finally, I am confident that Supervisory Authorities have the necessary tools to protect the rights of data subjects and that the cooperation within the EDPB allows ensuring that this is done efficiently and consistently across the EEA countries.

Yours sincerely,



Ventsislav Karadjov
Vice-Chair of the EDPB