



Press Release

Blood Donation Service under high scrutiny

The Bavarian Data Protection Authority (BayLDA) is currently scrutinising the website of the blood donation service of the Bavarian Red Cross as part of a focused data protection review. The reason for this was the use of tracking tools on the website of the blood donation service. In particular, the BayLDA will look at whether sensitive data about the users' health has been used by Facebook.

Use of tracking tools

The blood donation service offers a so-called "donation check" on its website. This check enables users to determine whether they are eligible for a donation. The user has to answer various questions about their state of health, including information on serious illnesses, drug use and pregnancy. The website used third-party tracking tools, including a marketing tool called Facebook Pixel.

Website operators use third-party tracking tools to track users' browsing activity on their websites. For example, website operators can determine where a user comes from, what device they are using, and what content they are interested in. This data can be used for various purposes, e.g. advertising, optimizing the website or preventing fraud in online shops.

Companies mainly use Facebook Pixel for advertising. For this purpose, user data is first collected and brought together with data of other websites to create a user profile that is as precise as possible. From the user profile, it is possible to determine the interests or personal characteristics of the user and to send out target-specific advertisements.

Analysis by the BayLDA

If tracking tools are used, quite a number of data protection requirements must be observed. This is not as simple as merely informing the user about the tracking tools in simple terms; the website operator must also ensure that they legally integrate the tracking tools, i.e. that a legal basis allows the integration or that the users have given their consent in advance.

Media reports accuse the blood donation service of having transmitted the users' health data to Facebook.

Whether the use of the Facebook Pixel was legal and whether health data was processed, is the subject of the this data protection review.

"If the accusation proves to be justified, it represents a serious violation, which can be fined. It might be not clear to many website operators that personal data is not transmitted to the providers of such tracking tools, but the providers

themselves collect the user data directly from the user. This applies not only to Facebook Pixel but also to other tracking tools such as Google Analytics, which we also found on the website of the blood donation service," says Thomas Kranig, President of BayLDA.

What to consider when using tracking tools

The Conference of Independent Data Protection Supervisors of the Federal Government and of the Länder, a body of German supervisory authorities, provided comprehensive information on the use of tracking tools in a guideline, published in March 2019. The document tells website operators which requirements they have to comply with.

https://www.datenschutzkonferenz-online.de/media/oh/20190405_oh_tmng.pdf

The basic data protection regulation grants the supervisory authorities extensive powers to put an infringement to an end or to sanction it with a fine. Whether and if so, which measures the BayLDA will adopt in the case of the blood donation service depends on the result of this investigation, which has not yet been completed.

"This case shows that not only the supervisory authorities check websites, but that in general anyone can test which tracking tools are integrated into the website with little effort via a browser. The risk that users notice a violation and report it to the supervisory authority is high for websites. Website operators should pay particular attention to their website and not use a bunch of tools they do not even know how users' data is processed," says Thomas Kranig.

Thomas Kranig
President BayLDA