

# Facebook told to reveal identity of abusers

## Green politician seeks to sue those who posted insulting comments

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Germany's constitutional court has told Facebook it must divulge the personal data of users who insulted a prominent Green politician, in a judgment that could have far-reaching consequences for social media platforms operating in Germany.

The politician, Renate Künast, had identified 22 insulting comments on Facebook and asked the company to provide her with the authors' data so she could sue them.

Users had called her a "brain amputee", a "sick woman" and "paedofilth", among other insults, according to the court's verdict. Two regional courts in Berlin considered only 12 of the 22 comments criminal and said politicians should be able to tolerate "even excessive criticism".

But in the judgment published yesterday the constitutional court ruled that all 22 comments were criminal. The judges said the Berlin courts had failed to "strike the right balance between freedom of speech and privacy rights, as required by the constitution". The court's verdict is binding and cannot be appealed against.

Germany has long been at the forefront of efforts to police the internet. The so-called Network Enforcement

Act, locally known as the NetzDG, which came into force in 2018 requires platforms such as Facebook and Twitter to remove potentially illegal material within 24 hours of being notified or face fines of up to €50mn.

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A new, even tougher version of the NetzDG came into force yesterday obliging platforms to pass on the data of suspected criminals to the German police. The law creates a new department at Germany's Federal Criminal Police

Office (BKA) designed to investigate suspected offenders on social media more quickly and efficiently. It is particularly aimed at the alarming rise in far-right extremist posts on platforms such as Facebook.

Critics of Facebook have long complained of what they see as the platform's unwillingness to divulge the data of users who engage in hate speech. Prosecutors investigating cases of incitement say it often fails to respond to requests for information.

In the UK, criticism was sparked last summer by online racist abuse targeted at black England footballers after the team's loss in the Euro 2020 final. It led to a petition with more than half a million signatories, and a new bill calling for identity verification on social media.

Facebook said it would "take action on hate speech whenever we become aware of it and are continuously investing in teams, technology and reporting tools so we can find it faster".

A statement from Meta, the corporate name for Facebook, said it would share the requested data about the people who insulted Künast as soon as the regional court in Berlin ordered it to do so, based on the constitutional court's verdict. It said it invested \$5bn in online safety and security last year.

The European Commission's latest progress report last year found that Facebook removed around 70 per cent of hate speech posts, in line with demands set in a 2016 code of conduct agreed with Facebook and other social media platforms.