

ARTICLE 29 Data Protection Working Party



Brussels, 28 October 2016

Dear Ms Mayer,

On 22 September 2016, in a message posted on Tumblr, Bob Lord, the Chief Information Security Officer of Yahoo Inc., announced that according to recent internal investigations, the personal data related to at least 500 million user accounts of Yahoo Inc. were stolen in 2014. It is understood that this includes the personal data of a substantial number of individuals in the European Union. Following this announcement, Yahoo notified the violation to certain data protection authorities in Europe.

As Data Protection Authorities (DPAs) in charge of the protection of European individuals' data, we are deeply concerned by the report and the significant number of EU data subjects which may be affected.

Therefore, it is of the utmost importance that Yahoo devote significant resources to understand, communicate and address all aspects of this unprecedented data breach and notify the adverse effects to the data subjects using the services that your company provides. This must be carried out in a quick, comprehensive and easily understood manner so that Yahoo users across Europe will understand any action they need to take as a result of the breach. In particular, the WP29 is very much interested in the following information: the nature and content of the data concerned, the likely consequences of the breach, the number of people affected in each European country, the measures taken to notify the concerned data subjects and to mitigate the risks to the rights and freedoms of data subjects.

On all these questions, we ask that you co-operate fully with any enquiries made and/or investigations conducted by independent national DPAs to ensure that there is a complete understanding of the extent of the breach and the remedial actions being taken by Yahoo in relation to it. You may have noted that the WP29 has agreed, at the last Plenary, to dedicate a working group for enforcement actions on organisations targeting several member states. Your data breach will be naturally discussed within this group.

This Working Party was set up under Article 29 of Directive 95/46/EC. It is an independent European advisory body on data protection and privacy. Its tasks are described in Article 30 of Directive 95/46/EC and Article 15 of Directive 2002/58/EC.

The secretariat is provided by Directorate C (Fundamental rights and rule of law) of the European Commission, Directorate General Justice and Consumers, B-1049 Brussels, Belgium, Office No MO59 02/27

Website: http://ec.europa.eu/justice_home/fsj/privacy/index_en.htm

In addition, the WP29 was also informed that Yahoo has scanned customer emails for US intelligence purposes at the request of US intelligence agencies. According to reports, in 2015 Yahoo searched all of its customers' incoming emails for specific information requested by US intelligence officials.

The reports are concerning to WP29 and it will be important to understand the legal basis and justification for any such surveillance activity, including an explanation of how this is compatible with EU law and protection for EU citizens.

Finally, the Article 29 Working Party expresses its support for the actions being taken or which may be taken by competent independent national authorities in respect of these issues.

We ask you to provide your response on the two aforementioned issues to the Chair of the WP29.

Yours sincerely,

On behalf of the Article 29 Working Party,

Isabelle FALQUE-PIERROTIN
Chairwoman