

Statement of the EDPB on the data protection impacts of economic concentration

EU data protection authorities have noted the Commission's intention to analyse the effects of further concentration of 'commercially sensitive data about customers' personal data in the context of its investigation into the proposed acquisition of Shazam by Apple.¹ We consider it essential to assess longer-term implications for the protection of economic, data protection and consumer rights whenever a significant merger is proposed, particularly in technology sectors of the economy.

Increased market concentration in digital markets has the potential to threaten the level of data protection and freedom enjoyed by consumers of digital services. The data protection and privacy interests of individuals are relevant to any assessment of potential abuse of dominance as well as mergers of companies, which may accumulate or which have accumulated significant informational power.

Independent data protection authorities can help with the assessment of such an impact on the consumer or society more generally in terms of privacy, freedom of expression and choice. This assessment, as well as the identification of conditions or remedies for mitigating negative impacts on privacy and other freedoms, may be separate to and independent from, or integrated into, the analysis carried out by competition authorities during their assessment under competition law.

¹ European Commission - Press release, "Mergers: Commission opens in-depth investigation into Apple's proposed acquisition of Shazam", 23 April 2018, http://europa.eu/rapid/press-release_IP-18-3505_en.htm