

Jurius

European Privacy Class Action: Facebook even contests «legal competence» of its users

Facebook is trying everything it can to delay the largest European privacy class action ever filed (www.fbclaim.com). In this attempt, Facebook came up with countless arguments to delay the lawsuit filed at an Austrian court this August. It seems more than questionable whether the IT giant's attempt at delaying will be successful, given the arguments presented. In this first response (Facebook Ireland has not consented to the publication of the response) to the lawsuit, Facebook submitted 30 pages that are in essence arguing that no court should ever decide over the companies' questionable privacy practices. At the same time Facebook remains silent about the actual content of the class action — a long list of alleged violations of EU privacy laws.

Category: News

Field of law: Data Protection

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Facebook users not legally competent?

[Rz 1]

[Rz 2]

Immunity from Lawsuits?

[Rz 3]

No Comment on Violations.

[Rz 4] It is remarkable that Facebook does not respond to the actual claims of the lawsuit in the 30 page submission. On roughly two pages, Facebook flat out denies any wrongdoing, without any further explanation. The accusations that Facebook never got a valid consent by its users, that it is illegally analysing user data, tracking users on third-party pages or participating in the NSA «PRISM» program are not contested in detail. Once again Facebook remains silent.

Delay Tactics.

[Rz 5]

Next Steps.

[Rz 6] The plaintiffs can now reply to Facebook's submissions. The lawyer representing the plaintiff, Dr. Wolfram Proksch (PFR lawyers) on the next steps: *«Even these — solely formal — arguments by Facebook have to be assessed by the court, but I am confident that they will be discharged. The court will now set a date for the first hearing and will address the submissions by both parties. The judge will then set out a timeline for the oral hearings.»* The class action is financed by ROLAND Prozessfinanz, a German legal financing company. This means that the plaintiffs are well funded and there is no financial risk for participants.

Background.

[Rz 7] Within six days more than 25.000 Facebook users have assigned their claims for the class action, which was launched at a Viennese court on August 1st this year. Another 50.000 Facebook users from more than 100 countries have since then registered at www.fbclaim.com to later join the procedure. The class action, which was filed against «Facebook Ireland Ltd» is therefore the largest privacy class action ever filed in Europe. All Facebook users outside of the US and Canada (about 82%) are managed by «Facebook Ireland Ltd» and can still register for the class action.

Source: Media Release of europe-v-facebook from 21 November 2014