

Activists file Facebook class action suit in Austria (Update)

April 8 2015, by Nina Lamparski



Max Schrems displays Facebook's logo with his smartphone during an interview with AFP in Vienna, Austria on April 7, 2015

An Austrian law graduate spearheading a class action case against Facebook for alleged privacy breaches officially filed the suit in a Vienna court on Thursday.

In a closely-watched case, Max Schrems and 25,000 other users are

suing the social media giant for various rights violations, ranging from the "illegal" tracking of their data under EU law to Facebook's involvement in the PRISM surveillance programme of the US National Security Agency (NSA).

"Basically we are asking Facebook to stop mass surveillance, to (have) a proper privacy policy that people can understand, but also to stop collecting data of people that are not even Facebook users," 27-year-old Schrems told AFP in an interview this week.

The case has been brought against Facebook's European headquarters in Dublin, which registers all accounts outside the United States and Canada—making up some 80 percent of Facebook's 1.35 billion users.

Schrems was able to file his action against the Irish subsidiary at a civil court in Vienna because under EU law, all member states have to enforce court rulings from any other member state.

Among other issues, judges will have to rule on Facebook's objection that the class action is inadmissible under Austrian law—an objection dismissed by Schrems' lawyer as lacking "any substance".

So far, the social media company has not been available for comment on the matter.



Austrian activist Max Schrems poses for a photographer in Vienna, Austria on April 7, 2015

Interest in the case has been overwhelming. Within days of launching the suit in August last year, thousands of people—mostly based in Europe but also in Asia, Latin America and Australia—had signed up.

In the end, Schrems limited the number of participants to 25,000 but a further 55,000 have already registered to join the proceedings at a later stage.

Each of the plaintiffs is claiming a "token amount" of 500 euros (\$540) in damages.

'Europe-v-Facebook'

Schrems began his battle nearly four years ago, when he spent a semester at Santa Clara University in Silicon Valley.



Austrian activist Max Schrems speaks during an interview with AFP in Vienna, Austria on April 7, 2015

The Austrian said he was startled by the general lackadaisical attitude towards European privacy laws.

"The general approach in Silicon Valley is that you can do anything you want in Europe" without facing any major consequences, Schrems said.

As a result, he set up the Europe-v-Facebook (EvF) advocacy group, which in particular campaigns for the overhaul of the so-called Safe Harbour agreement, a data exchange pact signed in 2000 between the

United States and the European Union.

In parallel with the class action, Schrems and the EvF have also filed several complaints against Facebook in Ireland.

That case was referred to the European Court of Justice (ECJ) after Irish authorities refused to open an investigation into the alleged breaches of privacy.

The ECJ's decision, expected in 2016, could have wide-ranging implications for US tech companies operating in Europe.

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Citation: Activists file Facebook class action suit in Austria (Update) (2015, April 8) retrieved 26 April 2024 from <https://phys.org/news/2015-04-david-goliath-austrian-activist-facebook.html>

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