

PRESS RELEASE

## LEGAL DEBATE OVER FACEBOOK'S PROTECTION OF PERSONAL DATA

### Letter of summons to Mark Zuckerberg

Amsterdam, 15 December 2015 – *Four public interest groups as well as a number of Dutch individual users of Facebook, WhatsApp and Instagram request Mark Zuckerberg to join the public debate following the landmark Schrems-judgment of the European Court of Justice.*

On 6 October 2015, the European Court of Justice invalidated the *Safe Harbour Decision*, which was the basis for Facebook's transfer of personal data from the European Union to the United States. The Grand Chamber of the European Court of Justice found that the legislation of the United States fails to ensure a level of protection essentially equivalent to that guaranteed in the legal order of the European Union. The NSA has access to Facebook content of users from the European Union, without any judicial redress being available to them. The European Court of Justice held that this compromises the essence of the fundamental right to privacy. These issues have not been resolved yet.

To date, Facebook has been remarkably absent from in the public debate that followed this landmark judgment. Ton Siedsma of Bits of Freedom says: *'We invite Facebook to publicly engage in a meaningful and transparent dialogue aimed at finding a solution, and to pressure the authorities to find such solution. Facebook is invited to publicly share its current and intended policies and practice on data transfer.'*

Following the judgment, Facebook continued the transfer of personal data from the European Union to the United States. Bas Filippini of Privacy First says: *'Absent an adequate level of protection in the United States, the continued transfer of personal data is clearly incompatible with European data protection laws. Such transfer violates the rights of millions of individuals. If this is not resolved shortly, we will initiate legal action.'*

Today, Facebook was [summoned](#) to come up with an adequate solution ultimately by 15 January 2016. If it fails to do so, civil rights groups and a number of Dutch individuals will request the Court in The Hague to grant an injunction ordering Facebook to immediately cease the transfer of personal data to the United States. This pertains to all services of Facebook, including WhatsApp and Instagram.

*'As long as the United States fail to provide an adequate level of protection against mass surveillance, personal data may not be transferred to the United States. Taking Facebook to court emphasizes the urgency of resolving this issue.'* says Jelle Klaas of the Public Interest Litigation Project of NJCM, the Dutch section of the International Commission of Jurists. *'Our goal is not to put the screens of millions of users to black, but to enhance the current level of privacy protection. Hopefully, a solution can be found shortly by the legislators.'*

Further information

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