



TikTok confronted with Dutch legal claim of EUR 1.5 billion for violating children's privacy in the Netherlands

- *In the Netherlands, TikTok violates the privacy of between 1,200,000 and 1,600,000 children.*
- *The Take Back Your Privacy Foundation and the Consumentenbond demand that TikTok ceases its unlawful actions, destroys the illegally collected personal data, and that it compensates the children that have been harmed.*
- *Dutch parents can support the action by signing up through the Consumentenbond's website.*

Thursday, June 24, 2021. TikTok must pay Dutch children damages for the unlawful processing of their personal data. The company must also delete the illegally collected personal data, and comply with the law going forward. This is what the Consumentenbond and Take Back Your Privacy Foundation demand from TikTok. If TikTok does not comply, the Foundation will go to court with the help of the Consumentenbond.

The popular social platform TikTok closely monitors children and illegally collects their personal data when they use the app. This personal data includes user profile information, videos, photos, location data and everything the child does on the app (TikTok amongst other things processes what children watch, the amount of time they watch it, what they like, and so on). The company also transfers personal data outside the EU without having put appropriate safeguards for such personal data in place.

Targeted Advertising

It is estimated that TikTok has collected the personal data of between 1.2 and 1.6 million Dutch children. TikTok uses this personal data to earn billions in profits through targeted ad sales. In 2020, the turnover of TikTok's parent company was nearly USD 37 billion.

Action

The Take Back Your Privacy Foundation and the Consumentenbond demand that the ByteDance group, the company behind TikTok, ceases its unlawful behavior vis-à-vis Dutch children. Moreover, the company must pay compensation to the victims. The total damages claim can be in excess of EUR 1.5 billion.

Register

The Consumentenbond and the Take Back Your Privacy Foundation call on Dutch consumers to support the action by signing up via the Consumentenbond website. Specifically, parents of children who have used TikTok or its predecessor, musical.ly, in the Netherlands after 25 May 2018 can sign up to support the cause. Signing up is free.

Friederike van der Jagt, president of the Take Back Your Privacy Foundation said:

"TikTok is a wolf in sheep's clothing. It is not really a social media platform, but instead a marketing platform that illegally collects private data from children in order to make money off them. TikTok is designed to make children watch for as long as possible, so that TikTok can collect as much data as possible. We want TikTok to stop its unlawful practices and modify the app so that children can safely use TikTok."

Sandra Molenaar, Director of the Consumentenbond, said:

"The conduct of TikTok is pure exploitation. The company earns hundreds of millions per year on the backs of children. And that while privacy law prescribes that children should receive additional protection. But TikTok does not care about that. It secretly collects all kinds of personal data from children and uses this for advertisements, from which it earns tons of money. TikTok has turned children into a product."

David Scott, managing partner at the law firm Scott+Scott (attorney for Take Back Your Privacy Foundation) says:

"TikTok has been illegally collecting personal information of children in the Netherlands for years now. This is a clear and significant breach of Dutch and EU data protection law, and the fundamental right to privacy and family life. TikTok is simply taking advantage of children, who are especially vulnerable and generally do not appreciate how they are exposed when they use the app. Parents are left in the dark as well by TikTok. The Take Back Your Privacy Foundation is going to put a stop to this, and ensure that the victims are properly compensated."

END OF PRESS RELEASE

FURTHER INFORMATION

About the Take Back Your Privacy Foundation:

The Take Back Your Privacy Foundation is an independent non-profit foundation. The Foundation is committed to protecting the privacy of Dutch residents. The Foundation does this by, among other things, starting legal cases against parties that violate the privacy of groups of people in the Netherlands, negotiating with these parties and informing the public about their rights.

About the Consumentenbond:

The Consumentenbond is a non-profit association that works to protect the rights of consumers. The Consumentenbond does this by conducting investigations, informing consumers and taking action on behalf of consumers.

About Scott+Scott:

Scott+Scott is a leading international law firm with extensive experience of acting in notable group litigation campaigns. The firm has a focus on cases that seek to promote corporate social responsibility.

Further information on the legal claim:

TikTok is a popular short-video app with 850 million users worldwide.

The Foundation and the Consumentenbond assert that TikTok provides insufficient, unclear and inaccurate information about what private data it collects from children. For the vulnerable group of children - and their parents - it is therefore unclear what TikTok does. Moreover, the company collects far too much data without a legal basis to do so. Hundreds of thousands of very young children use the app without any parental consent. The personal information illegally processed by TikTok is also transferred outside the EU. Furthermore, when using TikTok, children must give a perpetual right to TikTok to use their photos and videos. All of this violates the fundamental right to privacy of children, as well as European privacy laws such as the General Data Protection Regulation (GDPR). TikTok also violates Dutch and EU consumer rights, the Dutch Telecommunications Act and the Dutch Media Act.

TikTok and ByteDance have displayed a troubling pattern of breaking child data protection laws. In 2019, TikTok was issued a record fine for a case involving child data in the United States. This was followed by similar penalties in South Korea in 2020. On June 8, 2021, the Dutch Personal Data Authority informed the public through its yearly accounts that it has completed an investigation into TikTok. The DPDA report is not yet public, but it has announced that possible enforcement action is being considered.

More information about the TikTok action is available on the website of Take Back Your Privacy Foundation:

www.stichtingtakebackyourprivacy.nl

and the Consumentenbond:

www.consumentenbond.nl