



Take Back Your Privacy and Consumentenbond win: Dutch court may rule on case against TikTok

- *The Amsterdam court has jurisdiction to rule on Take Back Your Privacy Foundation's claims against TikTok.*
- *TikTok argued that the Dutch court was not allowed to decide the case because the company is based outside the Netherlands; the court rules that this is incorrect.*
- *The ruling clears the way for substantive adjudication of the claims against TikTok.*
- *In the Netherlands, TikTok violates the privacy of more than 1.5 million children. In a collective action started last year, the Take Back Your Privacy Foundation, supported by the Consumentenbond, demands that TikTok stops its unlawful actions, destroys the illegally obtained data, and that TikTok pays considerable damages to all children.*

Amsterdam, Wednesday, November 9, 2022. Stichting Take Back Your Privacy and the Consumentenbond achieved its first success in the collective action against TikTok. The Dutch court finds that the Foundation has jurisdiction over the Foundation's claims against TikTok.

TikTok argued that the Dutch court should not rule on the Foundation's claims because, in short, TikTok is not based in the Netherlands. This defense was dismissed. In line with what Take Back Your Privacy argued, the Amsterdam court ruled that it had jurisdiction to rule on the case.

The court also does not accept TikTok's defense that the lawsuit should be stayed. This means that the proceedings are now moving forward, despite TikTok's frantic efforts to delay the case. This is good news for the children whose rights continue to be violated every day by TikTok.

Keeping track

The popular platform TikTok closely monitors children who use the app and has been illegally collecting data from them for years. This includes profile information, videos, photos, location data and everything the child does on the app (such as what the child watches for how long and what they like). The company also sends data to foreign countries, including China, without clarifying what happens to the children's data. It is estimated that in recent years TikTok collected personal data from more than 1.5 million Dutch children. TikTok uses this data to make billions in profit through targeted ad sales.

Collective action

Take Back Your Privacy started a collective action against TikTok last year on behalf of all underage TikTok users in the Netherlands with the support of the Consumentenbond. Take Back Your Privacy is demanding

that TikTok pay Dutch underage TikTok users damages for unlawfully collecting and trading their data. The company must also delete collected data and comply with the law moving forward.

Take Back Your Privacy has now won its first victory.

Sign up

The Consumentenbond and the Take Back Your Privacy Foundation are calling on consumers to support the action and sign up. This applies in particular to (parents of) children who have used TikTok or TikTok's predecessor, musical.ly, in the Netherlands since May 25, 2018. Signing up is free.

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

"We are delighted with this first win. It is incredibly important that the judge is willing to rule on this case, because TikTok will have to stop its unlawful practices. Children must be able to use TikTok safely in the future."

Sandra Molenaar, director Consumer Association, said:

"This is an important outcome for Dutch children and their legal protection, especially at a time when TikTok is in the news in a negative way. We especially urge people to sign up on our website and support this important cause."

Damiën Berkhout, partner at the law firm Scott+Scott (attorney for Take Back Your Privacy Foundation) said:

"TikTok is guilty of serious violations of fundamental rights, European privacy law and consumer law. TikTok attempted to avoid having to answer in the Netherlands for violations against Dutch children. The judge was right to set aside TikTok's attempt to frustrate the proceedings."
