

## 1. SUPERVISORY BOARD REPORT 2022

### A. Word from the president

- 1.1 The Take Back Your Privacy Foundation ("**TBYP**") was off to a flying start. Established just over two years ago, it has taken its first concrete action – against TikTok for privacy violations. Other actions are in the pipeline. The Management Board ("**Board**"), supported by law firm Scott+Scott, acted appropriately. It led to the successful completion of the first phase of the action against TikTok. Cooperation with the *Consumentenbond*, important for widening support, is of added value in the representation of the interests of the children in TikTok action. The Supervisory Board ("**SB**") looks forward to TBYP's next steps.

Jan Schinkelshoek,  
President of the SB

### B. Introduction

- 1.2 TBYP was founded on 24 February 2021 in response to widespread violations of privacy and consumer rights. TBYP fights for privacy and consumer rights, not only of Dutch citizens but of persons involved worldwide. TBYP's articles of incorporation ("**Articles of Incorporation**") can be found on TBYP's website.<sup>1</sup>
- 1.3 TBYP has a Board and an SB. The Board consists of three members (Friederike van der Jagt, Ben Baldwin and Steven Prins) and the SB consists of four members.
- 1.4 Pursuant to article 11.6 of the Articles of Incorporation, Article 3:305a paragraph 2 sub d(3) of the Dutch Civil Code and explanation 8 of Principle VII of the Dutch Claim Code 2019 ("**Claim Code 2019**"),<sup>2</sup> the SB is required to prepare an annual report, in which it accounts for the supervision carried out.

### C. Composition and task

- 1.5 TBYP's SB members are Jan Schinkelshoek, Colette Cuijpers, Maarten Rosenberg and Jim Stolze. The background of the SB members can be found on TBYP's website.<sup>3</sup>
- 1.6 The task of the SB is to oversee the policies and strategy of the Board and the general course of affairs within TBYP. This also includes financial supervision and exercising the duties and powers assigned to the SB in the Claim Code 2019 and TBYP's Articles of Incorporation. The SB operates with two committees: an Audit Committee (which primarily, but in consultation with the entire SB, exercises financial supervision of the Board) and a Remuneration Committee. The SB provides solicited and unsolicited advice to the TBYP Board on all important issues and, in fulfilling its duties, focuses on the interests defined in TBYP's statutory objective.

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<sup>1</sup> The Articles of Incorporation are available at: <https://stichtingtakebackyourprivacy.nl/documenten/>.

<sup>2</sup> A version of the Claim Code 2019 can be found on TBYP's website on:  
<https://stichtingtakebackyourprivacy.nl/documenten/>.

<sup>3</sup> About the SB: <https://stichtingtakebackyourprivacy.nl/de-raad-van-toezicht/>.

**D. Supervision in 2022**

- 1.7 In 2022, the SB had meetings on 3 February, 8 June, 25 October and 13 December. In those meetings, the SB discussed the general lines of strategy and policies pursued and to be pursued in the future. In addition, the members of the SB have been in regular contact among themselves regarding their work for TBYP. In addition, the SB has had ongoing access to TBYP's records and has received monthly updates. The Board has kept the SB informed of TBYP's activities.
- 1.8 Topics supervised by the SB in 2022 include:
- (i) the governance of TBYP;
  - (ii) TBYP's financial policies;
  - (iii) the remuneration of members of the Board and the SB;
  - (iv) the proceedings against TikTok;
  - (v) other actions taken by TBYP to protect privacy and consumer interests;
  - (vi) other activities of TBYP.

**E. Conclusion**

- 1.9 The SB recognizes the commitment of the Board of TBYP to protect privacy and consumer interests. The SB is very appreciative of the successful completion of the first phase of TBYP's collective action against TikTok in which the Amsterdam District Court has assumed jurisdiction. In addition, TBYP has been investigating other abuses and potential cases. For example, TBYP has taken action against Whatsapp. With these actions, TBYP is acting in line with its strategy and statutory objective.
- 1.10 TBYP's other activities in 2022 are also in line with this. For example, TBYP actively participates in social and political debate, informs its supporters about privacy protection, participates in educational activities, and consults with other representative organisations such as the Consumentenbond.
- 1.11 TBYP is a strong and active representative. The SB expresses its confidence in the Board.
- 1.12 The SB adopted the contents of this report and asked the Board to publish the report on TBYP's website.

Amsterdam, 26 May 2023

Jan Schinkelshoek  
Colette Cuijpers  
Maarten Rosenberg  
Jim Stolze