

TECH

Austrian Court Rejects Max Schrems' Facebook Privacy Case

Viennese regional civil court ruled it didn't have jurisdiction for the case



Austrian activist Max Schrems originated a large class action against Facebook about online privacy through his group Europe vs. Facebook which represents 25,000 users of the social media network. PHOTO: AGENCE FRANCE-PRESSE/GETTY IMAGES

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BRUSSELS—A Viennese court said Wednesday that it rejected a complaint by a 27-year-old Austrian activist against social-media company Facebook Inc. because the court ruled it didn't have jurisdiction for the case, which has become a highly publicized fight.

“The court rejected the complaint because the international jurisdiction doesn't apply,” a spokeswoman for the Viennese regional civil court said.

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court's decision is a boon for Facebook, which has faced criticism regarding its data-privacy policies in the European Union. Belgium's data-protection watchdog said in June that it is suing the California-based company over its privacy practices, an escalation in a set of probes across five EU member states.

Max Schrems, a recent law-school graduate from Austria, filed a class-action-style civil suit in August 2014 against the social-media company for alleged privacy violations. Mr. Schrems, who is representing some 25,000 Facebook users outside of North America and runs an organization called Europe vs. Facebook, alleges that Facebook's data-use policy is invalid under EU law, that there is insufficient effective consent to many types

of its use of data, that Facebook tracks its users on external websites through “Like” buttons, and that Facebook passes on users’ data to external applications without authorization.

Mr. Schrems is suing for €500 (\$557) in damages for each of the suit’s participants, for a total of €12.5 million in damages. Preliminary proceedings were held in April 2015 to determine whether the Vienna court has jurisdiction in the case.

The Vienna court said it didn’t have jurisdiction in the case because the plaintiff has used Facebook for professional reasons and therefore can’t be considered a consumer. It also said the class-action-style lawsuit that he is planning can’t be brought before an Austrian court.

“This finding by the court is really very strange,” said Mr. Schrems’ lawyer, Wolfram Proksch. “Unfortunately, it seems like the court wanted to forward this hot potato to the higher courts.”

Mr. Schrems intends to appeal the decision to a higher regional court, according to a statement on his website.

“This litigation was unnecessary and we’re pleased that the court has roundly rejected these claims,” a spokeswoman for Facebook said. She added that the company would continue to work with its regulator, the Irish Data Protection Commissioner, to address any questions about Facebook’s commitment to protecting people’s information.

The Viennese regional court agreed with Facebook lawyer Nikolaus Pitkowitz, who had argued in April that the court doesn’t have jurisdiction. Mr. Pitkowitz had argued that the proper place for litigation against the defendant would be in Ireland or California, where Facebook maintains headquarters.

Facebook’s lawyers also have said the content of the suit was unjustified and that the lawsuit and Mr. Schrems’ use of Facebook have a commercial intent.

—*Sam Schechner in Paris contributed to this article.*

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