

Class action by Verbraucherzentrale Südtirol – Centro Tutela Consumatori Utenti against Meta regarding the Facebook data leak discovered in 2021

In April 2021, it became known that the data of over 500 million Facebook users worldwide had been sold on the darknet. Among those, over 35 million Italians are affected by the data leak, and certainly quite a few South Tyroleans - some have repeatedly enquired about the data leak over the years. VZS has been critically monitoring the legal situation during this time. The stolen data could be used for spam messages, phishing text messages or identity theft, among other things.

In order to protect the rights of South Tyrolean consumers, the South Tyrolean Consumer Centre (VZS) has filed a class action before the Court of Milan. The consumer protection organisation, which is represented in this matter by the law firm Dolce-Lauda, Rodolfo Dolce and Carlo Malossi, is pursuing two different objectives with this class action.

‘Firstly, Meta should set the privacy settings to the most restrictive setting by default,’ comments VZS Managing Director Gunde Bauhofer. *‘The automatic default setting, which made certain data searchable for “everyone”, was what caused the data leak in the first place. The more restrictive default setting should prevent this from happening in the future. All affected Facebook users should also be informed that they are affected by the data leak. Although this was ordered by the Italian supervisory authority for data protection, Garante Privacy, back in 2021, this has never happened to date. Many of those affected may not even know that their data - telephone numbers, email addresses, relationship status, place of residence, date of birth, ... - was available on the darknet practically for free.’*

‘Meta should also pay compensation for the damage caused,’ adds lawyer Rodolfo Dolce. *‘Years before the data leak, Facebook had already been informed by outsiders about the existence of a vulnerability that made this scraping possible. Nevertheless, no action was taken in good time to close the security gap. Those affected must be compensated for this negligent handling of user data security.’*

The class action in accordance with the Italian Consumer Protection Code allows those affected to join the proceedings free of charge. The individual consumers also bear no financial risk.

‘The court alone will decide on the extent of this compensation for immaterial damage (no money was lost, but data). At the moment, we can only speculate about the sums involved. The German Federation of Consumer Organisations (vzbv) has claimed 600 euros per injured party in a similar lawsuit (this lawsuit was filed in December), although generally speaking, this type of compensation is lower in Germany than in Italy. At the beginning of the year, the European Court of Justice ruled that damages of 400 euros should be paid for the unauthorised disclosure of an IP address alone’ explains Carlo Malossi.

Am I affected? Can I join the lawsuit?

Consumers can check for themselves whether they are affected by the data leak. Instructions are available in German at <https://www.consumer.bz.it/de/sammelklage-der-vzs-gegen-meta-aufgrund-des-2021-bekannt-gewordenen-facebook-datenlecks>.

It is not yet possible to join the lawsuit: this will only be possible as soon as the register of claims is opened, which should be in the next few months. Only consumers with habitual residence in Italy

will be able to join the class action. We will report on this.

Would you like to stay up to date? Sign up here <https://www.consumer.bz.it/de/newsletter-anmeldung> for our newsletter (published in German or Italian).

Please note that due to the high number of potentially affected persons in this matter, we are unable to offer individual counselling sessions or feedback (with the exception of our members), as this would inevitably exceed our resources.