

Press Release: October 18th, 2023

Amazon faces legal action for widespread breach of privacy rights of Dutch consumers

The Dutch Data Protection Foundation (Stichting Data Bescherming Nederland – SDBN) has initiated legal proceedings against the tech behemoth Amazon at the Rotterdam court today. Back in June 2023, SDBN confronted Amazon over its unlawful practices of gathering and handling personal data of Dutch consumers. Despite recent communications between SDBN and Amazon, no satisfactory resolution has been reached. Consequently, SDBN is commencing a class action against Amazon on behalf of all affected Dutch consumers. Affected individuals have the opportunity to participate in the lawsuit at no cost.

Class action on behalf of millions of Dutch citizens

On June 27, 2023, SDBN held Amazon accountable for the extensive breaches of the fundamental rights of its Dutch account holders, specifically in the realms of privacy, data protection, and consumer law, and demanded an immediate cessation. However, SDBN found that Amazon persistently continues these practices. Anouk Ruhaak, Chairman of SDBN, stated, "*SDBN has invited Amazon to engage in discussions to reach a fair resolution. Regrettably, such a resolution failed to materialize. Consequently, SDBN has no choice but to initiate a class action against the corporation on behalf of over 5 million Dutch account holders of Amazon.*"

Amazon is widely recognized as the world's largest online retailer but in recent years has become a data-driven company rather than one that just sells products. Amazon secretly collects and processes far more personal data than it reports to account holders, both inside and outside its platforms. The colossal volume of data amassed from its users serves as the primary resource for the most lucrative sector of Amazon's business. Due to its unparalleled dominance as the operator of the largest digital marketplace globally, Amazon is able to build highly detailed profiles of its users. This, in turn, allows Amazon to generate substantial profits in the online advertising industry.

Amazon tracks account holders everywhere on the Internet

Amazon doesn't solely gather personal data through its own platforms. Research conducted by SDBN indicates that Amazon also monitors the online activities of account holders beyond its own websites, frequently without explicit consent. Consequently, the company accumulates an unparalleled volume of often highly sensitive personal information, which is incorporated into the profiles of its account holders. These profiles are subsequently used by Amazon for the purpose of selling online advertising space to advertisers. Amazon has swiftly emerged as a key player in the global online advertising sector, trailing only behind Google and Meta. A significant distinction from these companies is that Amazon doesn't offer free services. Therefore, an account holder ends up paying twice for their purchases: both with money and also with their personal data.

Amazon acts in violation of privacy, data protection and consumer law

Amazon's behavior runs counter to the principles and goals of the General Data Protection Regulation (GDPR). Amazon collects large amounts of personal data without a legitimate basis and without informed consent from its account holders. When a user requests access to their processed personal data, Amazon conceals large amounts of data. Furthermore, Amazon has transmitted the collected personal data to the U.S. without implementing the mandatory safeguards. Additionally, Amazon has demonstrated an inability to maintain the security of the personal data it handles, resulting in several significant cyberattacks and data breaches in recent years.

Ruhaak: *"Amazon's unlawful processing of personal data is very damaging. Account holders are influenced and exploited without their knowledge. Amazon, in turn, generates billions in profits from this every year. SDBN demands that tech companies like Amazon cease these actions. Since our attempts at dialogue have yielded no results, we are left with no alternative but to pursue legal action."*

Fines

Amazon has faced multiple fines for its numerous privacy breaches. For instance, in the summer of 2021, Luxembourg's privacy regulator imposed a record penalty of EUR 746 million due to Amazon's non-compliance with the GDPR in processing personal data. Similarly, in 2020, the French CNIL fined Amazon EUR 35 million. Despite these fines, Amazon has not ceased its illicit practices. Consequently, it is imperative for affected account holders to take action themselves. SDBN is undertaking this initiative on behalf of the Dutch victims. Given Amazon's insufficient responsiveness to regulatory authorities and imposed fines, this class action also serves the interests of broader society.

Cease and Compensation

SDBN had extended an invitation to Amazon to engage in discussions aimed at arriving at a fair resolution, involving Amazon's compliance with the law moving forward and the provision of compensation to Dutch account holders. Unfortunately, this dialogue failed to yield a satisfactory outcome. As a result, SDBN has initiated a class action against Amazon today at the court in Rotterdam, seeking enforcement on behalf of its supporters. In other cases where privacy rights were violated, the court has awarded damages ranging between €250 and €2,000 per individual.

Support for the Case against Amazon

SDBN represents all individuals in the Netherlands who have held an account with an Amazon service (such as the web store, including Amazon.nl, Amazon.de, Amazon.co.uk, Amazon.fr, Amazon.com, Prime Video, or Twitch) from May 25, 2018, the day when the GDPR came into effect. Presently, over 13,000 individuals have come forward in support.

Affected individuals can register for free with Stichting Data Bescherming Nederland via stichtingdatabescherming.nl or jestaattekoop.nl.

About Dutch Data Protection Foundation / Stichting Data Bescherming Nederland

SDBN is a Dutch non-profit foundation committed to a world in which privacy is respected by companies. SDBN protects the interests of victims of privacy violations. Alongside the ongoing case against Amazon, SDBN is presently engaged in legal action against Twitter/Mopub and has additional cases against various tech companies in development.

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For further information and interview requests, please contact Michel Langendijk, press officer Data Protection Netherlands Foundation at pers@stichtingdatabescherming.nl and +31 (0)6 4096 3010

Anouk Ruhaak is the president of SDBN and a privacy specialist and activist. She lives and works from Canada, where she worked at the Mozilla Foundation. She is available for interviews via video call.

Julia Janssen is an ambassador for Stichting Data Bescherming Nederland in the lawsuit against Twitter and the campaign Je Staat Te Koop. Janssen is an artist and researcher and has been committed to privacy and data protection for years.