



VZBV SUES WHATSAPP

vzbv Market Watch experts request deletion of forwarded data

Berlin, 30th January 2017 – The Federation of German Consumer Organisations (*Verbraucherzentrale Bundesverband, vzbv*) has filed an injunction against WhatsApp at the Berlin County Court. According to vzbv's assessment, following the changes to WhatsApp's terms of use and privacy policy in August 2016, the company has been acting against the law in that it stores user data it should not and shares data with Facebook – regardless of whether the individuals concerned have a Facebook account or not. Of particular concern is the fact that the telephone numbers of people who simply happen to be in the contact lists of WhatsApp users are shared with the Facebook Group. vzbv's Market Watch experts request that data which has been passed on to Facebook is being deleted.

Following changes to the WhatsApp terms of use and privacy policy last year, vzbv sent a cease and desist order to the company regarding a range of issues, including the forwarding of account information to Facebook, but in particular personal data belonging to people who do not use WhatsApp. Although vzbv's Market Watch experts consider sharing data in this way to be illegal, the company did not sign the cease and desist declaration.

INVALID TERMS AND CONDITIONS

In filing an injunction vzbv intends to secure court orders not only for the deletion of data forwarded thus far, but to prevent WhatsApp from continuing to impose eight provisions in its terms of use and privacy policy on users which vzbv considers to not be permissible under law. In one such clause, for instance, WhatsApp reserves itself the right to send its users advertising from the Facebook Group without their consent.

“We seek both an injunction to prevent continued application of specific terms and conditions and an order for deletion of the data which we consider to have been transmitted to Facebook illegally – especially data from third parties who are not using WhatsApp. It is our expectation that the court will uphold our complaint”, explains Carola Elbrecht, legal counsel for Market Watch's Digital World team.

ABUSE OF CONSUMERS' TRUST

“Acquiring WhatsApp in 2014, Facebook very publically pledged to not exchange data between the two services, and many consumers took the company at its word. This promise, however, didn't hold for long,” continues Elbrecht. In the view of Market Watch experts WhatsApp has abused consumers' trust by altering the small print of its terms and conditions to reserve itself the right to pass on its users' personal information to Facebook.

View the results of a recent survey undertaken by the Consumer Association of North Rhine-Westphalia (Verbraucherzentrale Nordrhein-Westfalen) about Messenger and WhatsApp (in German).

About vzbv's Market Watch Digital World:

vzbv's Market Watch Digital World is a dedicated early warning and market monitoring system providing both the Federation of German Consumer Organisations (vzbv) and each of the regional Consumer Associations individually with a consumer perspective of developments in the digital sphere. The work builds on consumer complaints, representative studies, and an interactive online platform; the Market Watch Digital World can also support monitoring and regulatory bodies such as the Federal Network Agency (*Bundesnetzagentur*, BNetzA) in their work. Five Consumer Associations are part of Market Watch Digital World and scrutinise specific aspects of the digital market: Bavaria – digital services; Brandenburg – purchasing of digital goods; North-Rhine-Westphalia – user-generated content; Rhineland Palatinate – digital products; and Schleswig Holstein – telecommunications services. The project receives funding from the German Federal Ministry of Justice and Consumer Protection (*Bundesministerium der Justiz und für Verbraucherschutz*, BMJV).
<http://www.marktwaechter.de/digitalewelt>

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