

SILICON VALLEY'S MAD RUSH TO CONTROL POLITICS OVER THE WEB HAS DESTROYED THE LIVES OF MILLIONS OF CHILDREN

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Facebook's tracking of non-users ruled illegal again Next Story

Posted Feb 19, 2018 by [Natasha Lomas \(@nptari\)](#)



Another blow for Facebook in Europe: Judges in Belgium have **once again** ruled the company broke privacy laws by deploying technology such as cookies and social plug-ins to track internet users across the web.

Facebook uses data it collects in this way to **sell targeted advertising**.

The social media giant failed to make it sufficiently clear how people's digital activity was being used, the court ruled.

Facebook faces fines of up to €100 million (~\$124 million), at a rate of €250,000 per day, if it fails to comply with the court ruling to stop tracking Belgians' web browsing habits. It must also destroy any illegally obtained data, the court said.

Facebook expressed disappointment at the judgement and said it will appeal.

"The cookies and pixels we use are industry standard technologies and enable hundreds of thousands of businesses to grow their businesses and reach customers across the EU," said Facebook's VP of public policy for EMEA, Richard Allan, in a statement. "We require any business that uses our technologies to provide clear notice to end-users, and we give people the right to opt-out of having data collected on sites and apps off Facebook being used for ads."

The privacy lawsuit dates back to 2015 when the Belgium privacy watchdog **brought a civil suit against Facebook** for its near invisible tracking of non-users via social plug-ins and the like. This followed an investigation by the agency that culminated in a **highly critical report** touching on many areas of Facebook's data handling practices.

The same year, after failing to obtain adequate responses to its concerns, the Belgian Privacy Commission decided to take Facebook to court over one of them: How it deploys tracking cookies and social plug-ins on third-party websites to track the internet activity of users and non-users.

Following its usual playbook for European privacy challenges, Facebook first tried to argue the Belgian DPA had no jurisdiction over its European business, which is headquartered in Ireland. But local judges disagreed.

Subsequently, Belgian courts have twice ruled that Facebook's use of cookies violates European privacy laws. If Facebook keeps appealing, the case could end up going all the way to Europe's supreme court, the CJEU.

The crux of the issue here is the pervasive background surveillance of internet activity for digital ad targeting purposes which is enabled by a vast network of embedded and at times entirely invisible tracking technologies — and, specifically in this lawsuit, whether Facebook and the network of partner companies feeding data into its ad targeting systems have obtained adequate consent from their users to be so surveilled when they're not actually using Facebook.