

# Stichting Bescherming Privacybelangen

## Board of Directors' report 2023

### Activities and results

Stichting Bescherming Privacybelangen (the "**Foundation**") was incorporated on 30 December 2021 under the laws of the Netherlands as a not-for-profit organisation (*zonder winstoogmerk*) and was established to protect the interests of consumers in the Netherlands who are affected by Google's privacy violations. More information about the Foundation's purpose and mission can be found on its website [www.stichtingbeschermingprivacybelangen.com](http://www.stichtingbeschermingprivacybelangen.com) and in the Foundation's articles of association available on its website.

The Foundation is committed to protecting Google users' right to privacy and ensuring that Google will no longer compromise their rights when it collects, processes, stores, and transfers personal data derived from the use of its products, tools, and services. The Foundation insists that Google fundamentally change its business practices, which are in breach of Dutch and European consumer and privacy laws. In addition, the Foundation seeks to secure financial compensation for consumers who, at any time on or after 1 March 2012, have used one of Google's many products and services while residing in the Netherlands and are as such affected by Google's violations of the law (the "**Aggrieved Parties**").

To achieve these goals, the Foundation has joined forces with the Consumentenbond in 2022. In the course of 2023, various preparations for collective proceedings against Google were undertaken. On 23 May 2023, the Foundation and the Consumentenbond launched a media-campaign to get support of the Aggrieved Parties for the action against Google and to inform the Aggrieved Parties about the most important elements and developments in the proceedings against Google. The media-campaign had led to more than one hundred thousand participants to the Google claim.

The Foundation sent a second letter before action to Google on 31 May 2023. The Board met with Google's counsel in-person in the summer to explore whether Google would satisfy the Foundation's demands without the Foundation having to commence legal proceedings. These efforts did not lead to an amicable collective resolution. For this reason, the Foundation proceeded to issue the writ of summons on 12 September 2023 before the District Court of Amsterdam.

Through the action against Google, the Foundation also aims to pressure other major tech companies to implement significant structural changes to protect their users' privacy.

### Management

The board of directors of the Foundation ("**Board**") consists of the following members:

- A.P.M. van der Veer-Vergeer (Chair)
- B.M.A. van Eck
- I.S. Rubinstein

The supervisory board of the Foundation ("**Supervisory Board**") consists of the following members:

- B.F.M. Knüppe (Chair)
- C.H. Zietman
- A.E. Waldman

The Supervisory Board acts in policy matters as an advisor and sounding board for the Board. The Board is responsible for decision-making and its implementation. The Supervisory Board supervises amongst others the strategy, material decisions and the annual reporting of the activities, income, expenses and the financial position of the Foundation.

### Financial statements

The Foundation has entered into a project based exclusive funding agreement with Lieff Cabraser Heimann & Bernstein, LLP ("**LCHB**"). LCHB finances the activities of the Foundation for the benefit of the Aggrieved Parties. In exchange, LCHB is entitled to a specific percentage of the recovery for Aggrieved Parties, ranging between 18-25%, payable only if the Foundation obtains a recovery for Aggrieved Parties.

The Foundation's day-to-day costs mainly comprise the Board and Supervisory Board members' remuneration and the costs of the Foundation's advisors such as its' legal counsels. Each of the Board and Supervisory Board members invoices the Foundation in accordance with the applicable engagement agreement between the Foundation and each of the Board and Supervisory Board members.

## Stichting Bescherming Privacybelangen

### Claim Code Compliance

The Stichting endorses the Claim Code that came into force on July 1, 2011 as amended on March 4, 2019 (the “**Claim Code**”). The Claim Code consists of principles (the “**Principles**”) that are considered to be broadly accepted general guidelines and views on how claim foundations and associations should represent collective interests, including – but not limited to – litigation. The Principles create a set of standards for the founders, members of the Board and Supervisory Board, consultants and advisors engaged by the Foundation. The Foundation complies with the applicable Claim Code. This is further elaborated on in the Claim Code compliance reports the Foundation publishes on its website on a yearly basis (<https://stichtingbeschermingprivacybelangen.com/en/documents>).

### Ongoing affairs and Future outlook

Upon submission of the writ of summons on 12 September 2023 to the District Court of Amsterdam another interest group came forward and expressed its intention to also bring a collective action against Google. After several letter exchanges between the Foundation, the respective interest group and the District Court of Amsterdam, the interest group brought its claim against Google in December 2023. The proceedings have been slightly delayed as a consequence thereof.

On 1 May 2024 Google submitted its statement of defence on preliminary issues. As a next step in these proceedings, a hearing has been scheduled for 22 October 2024.

Meanwhile, on 26 June 2024 the Foundation organised the first event for participants and intends to set up a participant's panel in the course of 2024.