

Data Privacy Stichting

Board of Directors' report 2022

GENERAL

Data Privacy Stichting (the “**Foundation**”) was established on 30 December 2019 under the laws of the Netherlands as a non-profit organization (*zonder winstoogmerk*). The Foundation was established to represent the interests of consumers in the Netherlands who are affected by Meta’s violations of Dutch and European privacy and consumer law. More information about the Foundation’s purpose and mission can be found on its website www.dataprivacystichting.com and in the Foundation’s articles of association (“**Articles**”) available on its website.

The Foundation is committed to protecting Facebook users’ right to privacy and ensuring that Meta will no longer compromise their rights when it collects, processes, stores, and transfers personal data. The Foundation insists that Meta changes 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 April 2010 have used Facebook while residing in the Netherlands and are as such affected by Meta’s violations of law (the “**Aggrieved Parties**”).

On 30 December 2019, the Foundation filed its writ of summons against Meta Platforms Inc., Meta Platforms Ireland Ltd. (“**Meta Ireland**”) and Facebook Netherlands B.V. (hereinafter jointly referred to as “**Meta**”) before the District Court of Amsterdam (the “**Court**”). The Foundation joined forces with the Consumentenbond in 2020.

FINANCIAL STATEMENTS 2022

The Foundation has entered into a Project based funding agreement with Lieff Cabraser Heimann & Bernstein, LLP (“**LCHB**”). LCHB finances the activities of the Foundation for the benefit of the Aggrieved Parties. LCHB bears the full financial risk of the litigation, but does not determine the Foundation’s policy or course of action. At the request of the Foundation, and as such solely within the scope of the instructions of the Foundation, LCHB may support the Foundation with other services such as website operation. In exchange for the funding and services, LCHB is entitled to a litigation funding fee up to 18% of the net proceeds, plus expenses, all subject to Court approval, 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. 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.

MANAGEMENT

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

- (i) Mr H.Th. Bouma (Chair);
- (ii) Dame Elizabeth Gloster;
- (iii) Mr Ira Rubinstein.

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

- (i) Mrs Ada van der Veer-Vergeer (Chair);
- (ii) Mr Benk Korthals;
- (iii) Mr Peter Ingelse.

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

CLAIM CODE COMPLIANCE

The Foundation endorses the Claim Code that came into force on 1 July 2011 as amended on 4 March 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 collective interests, including – but not limited to – litigation. The Principles create a set of standards for the founders, directors, 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 (www.dataprivacystichting.com).

ONGOING AFFAIRS

On 30 December 2019 the Foundation initiated legal proceedings against Meta pursuant to art. 3:305a Dutch Civil Code (old). Meta raised certain preliminary procedural objects to the Foundation’s action, but in an interim judgment dated 20 June 2021, the Court determined these in the Foundation’s favour.

In the course of 2022 various procedural acts were performed. On 9 February 2022, the Foundation filed a Statement of Reply. The oral hearing on the merits took place on 8 November 2022.