EUCJ judgement: implications for data privacy and targeted advertising on social platforms

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On 4 October 2024, the European Union Court of Justice (EUCJ) delivered a ruling against Facebook in a case brought by Austrian user Maximilian Schrems (plaintiff).

The court scrutinised Facebook's business model, which relies on processing personal data to deliver targeted advertising. Since November 2023, Facebook's terms of use have stated that users opting for a free service in lieu of a subscription effectively consent to having their personal data used for more relevant advertising.

The case highlighted Facebook's use of sensitive personal data related to Schrems' activities outside Facebook, including his sexual orientation and political opinions, which he had never disclosed on his profile. Facebook obtained this information through plug-ins and cookies that track users' online behavior across various websites.

Notably, Mr. Schrems received targeted ads related to his sexual orientation, despite never indicating this information on his Facebook profile.

In its ruling, the EUCJ concluded that the use of sensitive personal data for targeted advertising is prohibited, even if such information has been publicly disclosed elsewhere, such as during a public panel discussion.

C-446/21, Judgement of the Court, 4 October 2024

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