

**IF YOU HAD A FACEBOOK ACCOUNT AT ANY TIME BETWEEN 14  
FEBRUARY 2016 AND 6 OCTOBER 2023 YOU COULD BENEFIT  
FROM A COLLECTIVE CLAIM**

*This is a legal notice that has been published at the direction of the Competition Appeal Tribunal*

A collective claim against Facebook has been brought by Dr Liza Lovdahl Gormsen (the “**Class Representative**”) on behalf of certain individuals who used Facebook at any time between 14 February 2016 and 6 October 2023.

The Class Representative argues that Facebook has struck an unfair bargain with its users in relation to its collection of data from users on their activities outside Facebook (“**Off-Facebook Data**”). These data include data collected on other Meta-owned products such as Instagram, as well as third party websites and apps across the internet. Facebook requires users to give up Off-Facebook Data as a condition of accessing the Facebook platform pursuant to a “take it or leave it” offer. The Class Representative argues that these practices involve an unfair trading condition and/or impose an unfairly high price on users. The Class Representative seeks compensation for loss and damage that members of the Class (as defined below) suffered as a result of Facebook’s unlawful conduct.

The **Class Members**, on whose behalf the claim is brought, are all individuals (or, where such an individual has died, the personal/ authorised representative of their estate) who:

- (1) had a Facebook account at any time between 14 February 2016 and 6 October 2023, inclusive;
- (2) accessed that Facebook account at least once between 14 February 2016 and 6 October 2023 (inclusive) while in the United Kingdom; and
- (3) have not been specifically excluded from the claim (see the response to question 10, below).

If you meet those criteria, then you are a member of the class and will automatically be included in the claim and will be bound by the result, unless you choose to opt out. The individuals who meet the above criteria are collectively called the **Class**.

Further detailed information on the definition of the Class is provided in the response to question 9, below.

To learn more about the collective claim, please visit [www.facebookclaim.co.uk](http://www.facebookclaim.co.uk) or [www.catribunal.org.uk](http://www.catribunal.org.uk).

## **IMPORTANT INFORMATION ABOUT THE CLAIM**

### **1. Why has this Notice been issued?**

The Competition Appeal Tribunal has directed that this Notice be issued by the Class Representative, following the Collective Proceedings Order made on 2 May 2024 which allowed this collective claim to proceed. The Order can be found annexed to this Notice and also at [www.facebookclaim.co.uk](http://www.facebookclaim.co.uk).

This Notice has been issued to inform you of your legal rights in relation to this collective claim. This Notice explains what the claim is about, who is covered by the claim, your right to opt out of the claim, how to opt out, and any relevant deadlines.

Please read this Notice carefully.

### **2. What is the Competition Appeal Tribunal?**

The Competition Appeal Tribunal is a specialist court based in London that covers the whole of the UK and which hears and decides competition law disputes. The Tribunal publishes its Rules and Guidance, together with information about what it does, on its website at [www.catribunal.org.uk](http://www.catribunal.org.uk).

### **3. What is a collective claim?**

The Consumer Rights Act 2015 allows for a collective claim to be brought on behalf of a group of individuals who are alleged to have suffered a common loss. The group is called the “class” and the individuals within the group are “class members”. The collective claims process means that groups of individuals who have suffered harm do not each need to bring an individual claim to obtain compensation for their loss. Instead, these individuals may all

receive compensation through a single collective claim brought on their behalf by a class representative.

#### 4. Who is the claim against?

The claim is against Meta Platforms Inc (formerly Facebook Inc), Meta Platforms Ireland Limited (formerly Facebook Ireland Limited) and Facebook UK Limited. Collectively these entities are referred to as “**Facebook**”.

#### 5. What is the claim about?

The claim alleges that Facebook has abused its dominant position in the personal social network market by imposing unfair trading conditions and/or prices on its UK users, in breach of competition law.

The claim says that Facebook’s anti-competitive conduct has caused its UK users to suffer loss and damage because they have not been adequately compensated for the economic value of their data collected and monetised by Facebook concerning their activities off Facebook’s social media site, including in particular data on their activity from: (i) other products and services owned and operated by Meta (e.g. Instagram); and (ii) third-party websites and apps.

The claim is seeking compensation from Facebook on behalf of all Class Members.

#### 6. What are the common issues in the claim?

Common issues are issues which relate to the same, similar, or related issues of fact or law. To proceed as a collective action, the claim must raise and attempt to address issues which are common to the Class Members. Because of this, Class Members will be bound by any finding by the Competition Appeal Tribunal on those common issues.

The common issues in the claim are:

- a. The definition of the relevant User-side market and/or advertiser-side market;
- b. Whether Facebook held a dominant position in those markets during the Claim Period;
- c. Whether Facebook abused its dominant position by striking an unfair bargain with Users in relation to the collection of Off-Facebook Data;

- d. Whether any such abuse of dominance caused Class Members to suffer loss and damage;
- e. The quantification of any aggregate award of damages; and/or
- f. The rate and duration of any interest to be awarded to Class Members.

### **7. What is the role of the class representative?**

The Collective Proceedings Order authorises Dr Liza Lovdahl Gormsen to act as the class representative for the collective claim.

As the class representative, Dr Lovdahl Gormsen will conduct the claim against Facebook on behalf of all Class Members, except those individuals who choose to opt out of the claim. Dr Lovdahl Gormsen will make decisions on the conduct of the claim, including whether to accept any offer of settlement that Facebook may decide to make.

During the case, Dr Lovdahl Gormsen will be responsible for communicating with Class Members and for issuing formal notices. She will provide regular updates on the progress of the claim on the website [www.facebookclaim.co.uk](http://www.facebookclaim.co.uk) and through various other media channels.

Dr Lovdahl Gormsen has instructed a legal team to assist her with the claim and she has appointed an advisory panel of experts that she is able to consult with regularly to assist her in acting fairly and adequately, in the best interests of the Class Members. The members of this advisory panel are the Rt. Hon. Lord Neuberger, Peter Vicary-Smith, Professor Richard Whish and Chris Pike. Further details of the advisory panel can be found at [www.facebookclaim.co.uk](http://www.facebookclaim.co.uk).

### **8. Who is Dr Lovdahl Gormsen?**

Dr Lovdahl Gormsen has a PhD in competition law and has worked as a lawyer and academic in that field for over two decades. During her career, she has served as a lawyer at the Office of Fair Trading, enforcing both consumer protection and competition law. Dr Lovdahl Gormsen has also held a number of academic positions at UK universities, and has published two books and numerous journal articles on the subject of competition law.

### **9. What is the “Class” and who are the “Class Members”?**

The Competition Appeal Tribunal has allowed the claim to proceed on an “opt-out” basis on behalf the **Class**.

The Class for the purposes of the claim comprises:

“All Users of Facebook who had a Facebook account at any time during the Class Period and accessed their account at least once during the Class Period while in the UK (“UK Users”).”

For the purposes of this **Class Definition**:

- **Class Period** means the period between 14 February 2016 and 6 October 2023, inclusive.
- **Users** means individual consumers who are natural persons (including children).
- Where any UK User (as defined above) **has died** since the beginning of the Class Period, the personal/ authorised representative of their estate becomes the Class Member.
- **Facebook** means the personal social network service Facebook.com, owned / operated by the Defendants
- **Facebook** account means an individual’s personal account on the Facebook personal social network service.

All individuals who fall within the above definition of the Class, and are not covered by the specific exclusions set out in response to question 10 below, are “**Class Members**”.

All Class Members who were domiciled in the UK on 15 February 2024 will be included in the claim automatically and bound by the result, unless they choose to opt out of the claim by **5 March 2025**.

The claim does not provide for users who were not domiciled in the United Kingdom on 15 February 2024 to “opt in” to the claim. As such, those users who were domiciled outside of the United Kingdom on 15 February 2024 will not be part of the claim. For present purposes, the United Kingdom includes England, Wales, Northern Ireland and Scotland only. It does not include any overseas territories. Additionally, for users who joined the class between 1 January 2020 and 6 October 2023 (IE, who created a Facebook account and accessed that account at least once whilst in the UK between those dates), the claim includes their individual claims only in respect of the period since they joined the class.

## 10. Who is excluded from the Class?

If you fall into one of the following categories, then you have been excluded from the Class and accordingly are not included in the claim:

- (a) officers, directors or employees of Meta Platforms Inc (formerly Facebook Inc), Meta Platforms Ireland Limited (formerly Facebook Ireland Limited) and Facebook UK Limited;
- (b) all members of the Class Representative's legal team;
- (c) all members of Facebook's legal team;
- (d) all experts instructed on behalf of the Class Representative;
- (e) all experts instructed on behalf of Facebook;
- (f) all members of the Class Representative's Advisory Committee;
- (g) all employees of the claims administrator engaged in advising and assisting the Class Representative, and any other professional adviser who may be engaged by the Class Representative for the purpose of the claim; and
- (h) all members of the Tribunal panel assigned to the claim.

Dr Liza Lovdahl Gormsen is also excluded from the Class.

## 11. What do I need to do to be part of the claim?

The collective claim is proceeding on an "opt-out" basis. This means that if you are a Class Member (see the response to question 9, above) and you want to participate in the claim, then you do not need to take any further action. If the claim succeeds or a favourable settlement is reached with Facebook before judgment, then you may be able to request a share of any damages paid by Facebook (see the response to question 14, below).

If you want to opt out of the claim, then there are some steps that you must take (see the response to question 15, below). If you choose to opt out, you will not be able to request a payment from any damages or favourable settlement.

If you are a Class Member and you do not opt out of the claim, then you will be bound by any judgment made by the Tribunal. This means that you will not be able to bring a separate claim against Facebook based on the same issues that are included in this claim.

## **12. How much money is being claimed?**

The claim seeks compensation currently estimated to be approximately £2.07 - £3.10 billion (excluding interest). This money is claimed to compensate Class Members for loss and damage they suffered as a result of Facebook's abusive and unlawful conduct.

Such compensation (of any amount) will only be payable to Class Members if the Class Representative wins the case, or if a favourable settlement is reached with Facebook before judgment.

## **13. How much will the claim cost me?**

Class Members do not need to pay anything to be part of the Claim and do not face any financial risk in relation to the proceedings.

The Class Representative has obtained third-party funding from Innsworth Capital Limited to cover the costs of the claim and Facebook's costs if the claim is unsuccessful and an adverse costs order is made. This means that, regardless of the outcome, Class Members will not be liable for any of the costs of the claim.

## **14. How will I receive compensation?**

There is no guarantee that any compensation will become available as a result of the claim. If compensation does become available, you will be notified about how to request any payment that you are eligible to receive.

## **15. How do I opt out of the claim?**

If you are a Class Member and you wish to opt out of the claim, please send a letter or e-mail to the Class Representative at:

optouts@facebookclaim.co.uk or

Facebook Claim Opt Out

PO Box 13536

BRAINTREE

CM7 0QG

The letter or e-mail must explicitly state:

*“I, [Full name of person] wish to opt out of the collective claim against Meta Platforms Inc, Meta Platforms Ireland Limited, and Facebook UK Limited, Case No. 1433/7/7/22”*

and include your postal address, e-mail address, telephone number, signature, and be dated.

Class Members do not have to provide any reason for opting out.

**16. How can I get updates on the progress of the claim?**

You can visit [www.facebookclaim.co.uk](http://www.facebookclaim.co.uk) for regular updates on the progress of the claim.