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**Privacy, social media and lawsuits**

In the summer of 2021, several domestic news media reported that a number of lawsuits could be added again regarding the violation of the privacy policies of the users of the social media platform TikTok, especially the young users. Among other things, the Consumers' Association and the foundation Take Back Your Privacy are still involved in a legal conflict with TikTok at the time of writing, the organizations filed a mass claim with the demand for the platform to pay out 2 billion in damages to the affected young children. The organizations have two requirements, namely that TikTok stops excessively collecting data from minors without permission, and in addition that all unlawfully obtained data from 2018 be destroyed to prevent misuse of data.[[1]](#footnote-1) The Mass Damage Foundation &Consumer even demands 6 billion from the app in a similar lawsuit.[[2]](#footnote-2)

It is sometimes argued that privacy has become the currency of the world of social media. People are (un)consciously willing to release information that was seen as private not so long ago. People are talking about being able to use the digital tools and services.[[3]](#footnote-3) It is a recurring phenomenon that as soon as new technologies emerge, people start to wonder whether there is already suitable legislation to address the emerging problems, whether it should be made or whether such legislation should be ignored.[[4]](#footnote-4) These lawsuits can be seen as the result of the fact that more and more people are becoming aware that the various social media are collecting Big Data from users. This awareness leads to roughly two rhetorics, namely one utopian and one dystopian. Both camps emphasize, among other things, the advantages and disadvantages of development in which data is collected from users.[[5]](#footnote-5) Big Data contains properties that can have both positive and negative consequences, it makes it possible for companies like TikTok to accurately collect, analyze, link and compare datasets.[[6]](#footnote-6) A possible consequence of this is an intensification of control by the business community through intrusive marketing techniques. However, the trust in (the existence of) privacy rights is often greatly exaggerated according to Determann, at least in according to his piece published in 2012. According to him, however, rights do protect users from the data processing by commercial companies, in attempts to restrict Big Tech to some extent.[[7]](#footnote-7) When using social media, for example, you as a user have the right to precise information about the data processing practices. Social media companies should notify users or ask for permission when it comes to data sharing, data mining, and behavioral advertising. However, in the case of Tiktok, the possibilities of operators are more extensive because the user has to create an account and log in, this makes it easier for TikTok, for example, to provide privacy statements and ask for permission from the user. Most users click to accept privacy statements and consent statements without reading or understanding them. In the specific case of TikTok, the prosecutors claim that these statements were not accessible enough for minors because they were written in English, for example.

In addition to the various positive and negative consequences of surrendering privacy, a distinction is also made between the ways in which users relate to each other and between companies / agencies. This concerns the so-called vertical and horizontal view of privacy within social media. The first has to do with privacy relative to settings like TikTok, while the second is about privacy between users. Research has shown that unlike the institutions and groups that conduct the lawsuits, there are also large groups of people who seem to pay more attention to horizontal privacy than to vertical privacy.[[8]](#footnote-8)

The research results seem to suggest that the average user emphasizes social privacy, rather than privacy that may be threatened by social media. This may well create a gap between the desires of users and the implementation of privacy legislation and what should be the focus. Determann himself takes a defensive one and takes it up for the companies that collect data from users. He argues that activists, academics and regulators, among others, are critical of tracking, profiling and behavioral advertising, but that the intentions of the companies are good. It wouldn't be a bad thing for advertisers to only want to show relevant ads to potential customers, because they're better than irrelevant ads.[[9]](#footnote-9) Advertisers' tracking of information and data is necessary to target ads, because social media companies cannot offer the services to consumers for free without advertisers' money. Without this advertising money, many services would not have existed.[[10]](#footnote-10) According to Determann, most consumers are aware that they can use the services free of charge in exchange for their data.[[11]](#footnote-11)

When one looks at the ways in which different actors deal with privacy and Big Data, the results are very different. The facts are that the number of active social media users is reaching record highs. From the consumer's perspective, one doesn't seem to be worried, in exchange for the free use of social media. Only, there does seem to be slow change coming given the lawsuits that are targeting children as victims of TikTok for now, but perhaps this is causing an overall shift in terms of privacy and social media.

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