

Canadian Supreme Court - Facebook Can't Force Canadians to Sue Them in the US for Privacy Violations

June 22, 2017 - Virtually all websites have "terms of use" policies in place. Facebook is no exception. The company - which is based in Menlo Park, CA - states clearly in its terms of use that any lawsuits brought against the company need to take place in the California courts. The terms of use in the United States are the same terms of use used by the company in Canada. But the company can't enforce that portion of its policy against Canadian citizens according to the Canadian Supreme Court. The ruling comes as part of a privacy rights lawsuit filed in British Columbia.

Tweet

```
(function() {  
var s = document.createElement('SCRIPT'), s1 = document.getElementsByTagName('SCRIPT')[0];  
s.type = 'text/javascript';  
s.src = 'http://widgets.digg.com/buttons.js';  
s1.parentNode.insertBefore(s, s1);  
})();
```

```
(function() {  
var po = document.createElement('script'); po.type = 'text/javascript'; po.async = true;  
po.src = 'https://apis.google.com/js/plusone.js';  
var s = document.getElementsByTagName('script')[0]; s.parentNode.insertBefore(po, s);  
})();
```

The lawsuit concerns a defunct advertising scheme called "sponsored stories" launched by Facebook, which took pictures from user profiles and inserted them into advertisements running on Facebook. From the beginning, sponsored stories was a problem for the company.

In the United States, Facebook was forced to pay \$20 million in a class action settlement in a class action lawsuit in 2013. Now it looks like the company could face a similar fate in Canada.

The Canadian court ruling specifically called out the company for making it difficult for consumers to enforce their privacy rights under Canadian law, writing that in lawsuits against large corporations, consumers face "gross inequality of bargaining power." The justices also stated that it would be considerably more difficult for Canadian citizens to travel to California to file their lawsuit than it would be for Facebook to produce documents and fight the case in Canada.

The suit was filed under British Columbia provincial privacy laws by a woman who found out that her picture was used for "sponsored stories" advertising. Although the court only ruled that the case could move forward in Canadian courts, the plaintiff in the case is also trying to certify a class of people so that the suit can proceed as a class action case north of the border. There is no word yet on the time table for that certification.

by Jim Malmberg

Note: When posting a comment, please sign-in first if you want a response. If you are not registered, [click here](#). Registration is easy and free.

Follow me on Twitter:

Follow ACCESS