



PRESS RELEASE

IRISH DATA PROTECTION COMMISSIONER V. FACEBOOK:

**A Case Concerning the Protection of Personal Data Transferred
from the EU to the United States**

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DUBLIN, IRELAND – Today the Electronic Privacy Information Center (EPIC) made submissions to the Irish High Court in the case *Data Protection Commissioner v. Facebook*, a case concerning privacy protection for transAtlantic data transfers.

The privacy case follows a landmark [decision](#) of the European Court of Justice which found that there were insufficient legal protections for the transfer of European consumer data to the United States. Mr. Schrems, an Austrian privacy advocate who brought the original case, now [challenges](#) Facebook's business practices. The Irish High Court [designated](#) EPIC as the US NGO amicus in the case.

Alan Butler outlined the significant weaknesses in U.S. privacy law. Mr. Butler said, "U.S. privacy law is characterized by particularly narrow conceptions of privacy and personal data, which in turn limit the scope of relevant constitutional, statutory, and regulatory privacy protections."

Mr. Butler further stated, "many of the privacy safeguards under U.S. law in fact operate to the exclusion of E.U. citizens." He explained that the "standing" doctrine and the "state secrets" doctrine create "overarching barriers to legal redress" in U.S. courts.

"This is one of the most significant privacy cases in the world right now. This case raises the question of whether the U.S. has established sufficient privacy safeguards to permit the transfer of personal data from Europe to the United States," said Mr. Butler. "This case also has implication for the US Congress which will consider whether to renew the Section 702 program continuing the collection of data on European citizens."

EPIC manages one of the most extensive amicus curiae projects in the United States, focused on emerging privacy and civil liberties issues. EPIC has filed briefs in the most significant digital privacy cases over the last two decades, including U.S. Supreme

Court cases: *Spokeo v. Robins*, *Riley v. California*, *Clapper v. Amnesty International USA*, and *United States v. Jones*. Over the years, EPIC has filed briefs in more than 100 cases in federal and state appellate courts. EPIC's amicus program has now expanded to international courts including the European Court of Human Rights and the Irish High Court.

About EPIC

EPIC is a non-partisan organization, established in 1994, to focus public attention on emerging privacy and civil liberties issues. The EPIC Advisory Board includes distinguished experts in law, technology, public policy, and cyber security.

EPIC is represented in this case by Sinead Lucey at FLAC ([Free Legal Advice Centres](#)), an independent human rights organization, based in Dublin, dedicated to the realization of equal justice for all, and by Mr. Colm O'Dwyer, SC, and Ms. Grainne Gilmore, BL.

Links

Electronic Privacy Information Center (EPIC)
<https://epic.org>

EPIC *Amicus Curiae* Briefs
<https://epic.org/amicus/>

The *Schrems* Cases
<https://epic.org/privacy/intl/schrems/>

Data Protection Commissioner v. Facebook and Schrems, No. 2016/4809P
(Irish High Court – Commercial) * * *

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