



Facebook finally rejected by Austrian Supreme Court GDPR model case to be heard in Vienna now

The Austrian Supreme Court has ultimately rejected all attempts by Facebook to block a model lawsuit on fundamental privacy issues in Vienna now. In the final decision ([link](#)), the Austrian Supreme Court rejects all attempts by Facebook to block the procedure.

Before doing so, Facebook tried to raise questions whether it is possible to bring GDPR rights before the courts. The company argued that only the Irish Data Protection Commissioner has jurisdiction in this case. The Vienna Regional Court ("Landesgericht") had previously joined Facebook's view and declared that it did not have jurisdiction. The Appellate Court and the Austrian Supreme Court have made it clear now that – to the contrary – everyone has a right to file a lawsuit based on GDPR.

Max Schrems (plaintiff and honorary chairperson of the non-profit *noyb*): *"I am very pleased that we were able to clarify this fundamental issue. We are hoping for a speedy procedure now that the case has been pending for a good 5 years."*

For Facebook, recent cases did not go well before the superior European courts: Not even two weeks ago, the Irish Supreme Court had finally dismissed an attempt by Facebook to block another procedure concerning Mr. Schrems and Facebook ([Reuters](#)).

Next step: Facebook's GDPR compliance on trail

In the lawsuit, Facebook is accused of using invalid privacy policies, the lack of consent or the unlawful processing and disclosure of data. The lawsuit is designed to call Facebook's overall compliance with the new European privacy law ("GDPR") into question.

Schrems: *"If we win even part of the case, Facebook would have to adapt its business model considerably. We are very confident that we will succeed on the substance too now. Of course, they wanted to prevent such a case by all means and blocked it for five years."*

Austrian Supreme Court: National regulations must yield to GDPR

In its decision, the Austrian Supreme Court also pointed out that national alternations of GDPR are no longer possible. The Supreme Court has completely rejected any restriction of rights by Austrian law. This can be instructive for many other national laws in EU member states that try to give special status to industry sectors like credit ranking agencies or data brokers.

noyb enforces privacy rights

Mr Schrems founded the European non-profit *noyb* in 2018 to bring long-term strategic enforcement cases to better protect users' privacy. More than 3.200 supporting members allow *noyb* to hold companies accountable and 'make privacy real'.