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Class action SDBN against Adobe: design software giant illegally places tracking cookies and shares data on millions of Dutch citizens

Today, Stichting Data Bescherming Nederland (SDBN) is filing a lawsuit against Adobe. Adobe is widely recognized for its PDF program and graphics software, but it also covertly gathers substantial amounts of personal data from prominent websites such as KPN, ABP, the Dutch Tax Authority and mobile apps including Marktplaats and Buienradar, and shares this with multiple third parties. On behalf of millions of Dutch citizens, SDBN insists that Adobe ceases the unlawful gathering of data via tracking cookies and apps. Attempts to seek a consensual solution with Adobe about this unlawful behaviour failed, despite attempts by SDBN to do so. As a result, SDBN is taking legal action today to halt Adobe's systematic infringement of Dutch citizens' data rights.

Anyone in the Netherlands who regularly uses the Internet via the Chrome browser and frequently downloads apps is likely a victim of Adobe's tracking, and can register for this lawsuit for free, via jestaattekoop.nl.

Anouk Ruhaak, the Chair of SDBN, remarks, "*While Adobe is primarily recognized as a design software supplier, what's surprising is its simultaneous involvement in the digital personal data market - tracking your online activities. Have you made online Christmas purchases? Well, Adobe likely has a detailed record of what you browsed and where you bought your Christmas stockings or perfume.*

The questionable practice of collecting and trading personal data is unlawful under the GDPR. It has to end. Following actions against X and Amazon, Stichting Data Bescherming Nederland is now determined to compel Adobe, another major player in this market, to cease its illicit data collection and tracking. Unfortunately, we had to resort to legal action via a class action suit, because Adobe is unwilling to engage in discussions to find a resolution."

After Twitter / X and Amazon, this is the third class action brought by SDBN to force big tech companies to better safeguard the online privacy of Dutch citizens.

Adobe illegally collects your data via cookies and app software

Adobe's Experience Cloud is a platform that allows companies to create profiles of internet users. Adobe encourages its customers to collect as much data as possible from internet users. Via websites and apps, Adobe itself illegally collects an enormous amount of data on virtually every Dutch internet user, irrespective of whether they have ever used an Adobe product. The company then shares that information with many other companies.

One method frequently employed by Adobe involves the use of tracking cookies, which it places on prominent websites such as TUI, KPN, ABP, Douglas, and even the Dutch Tax Authority. Additionally, through Software Development Kits (SDKs), Adobe inserts bits of code into mobile applications like Marktplaats, Buienradar, Ziggo, KPN, TUI and RTL.

This extensive and intricate collection of personal data requires legal consent. However, Adobe lacks valid consent for several reasons. Firstly, as an internet user, you are not adequately informed about the extent of data processing. Moreover, in many instances, Adobe places tracking cookies even before you have made a choice in the cookie banner that is supposed to transmit your tracking preferences.

With the help of this data, Adobe constructs highly detailed profiles of internet users, and shares these profiles with commercial parties. This practice introduces various risks to web users, ranging from the exposure of highly sensitive data to increased potential for identity fraud. Adobe makes significant financial gain from this unlawful behaviour.

Damages and Legal Action

Following a letter exchange between SDBN and Adobe to address these privacy breaches, it is evident that the company is unwilling to work towards a consensual resolution of historic breaches and conduct their profiling of web users on a lawful basis in the future. Consequently, SDBN is initiating a lawsuit to compel Adobe to cease the unlawful placement of tracking cookies and SDKs, and their unlawful collection of personal data.

The foundation is also pursuing damages on behalf of approximately seven million Dutch internet users for Adobe's unlawful behaviour. Additionally, the foundation insists on the destruction of data that has been unlawfully collected by Adobe and that the company discloses information about entities with whom the data was shared.

Reclaim Your Privacy – Sign Up Now

SDBN is championing the cause for all individuals in the Netherlands who, since May 25, 2018, have or had Adobe tracking cookies stored on their browsers or have or had downloaded and used apps on their mobile phones that contain Adobe SDKs. Notably, these tracking cookies are deployed when an internet user visits popular websites in the Netherlands or frequently clicks the "accept all" button in a cookie banner. Internet and mobile phone users can register for free with SDBN at stichtingdatabescherming.nl or adobe.jestaattekoop.nl/.

Examples of websites where Adobe tracks you include:

- Abp.nl
- Albelli.nl
- Belastingdienst.nl
- Beterhoren.nl
- Bruna.nl

- Douglas.nl
- Expedia.nl
- Footlocker.nl
- Gamma.nl
- Hallmark.com
- Karwei.nl
- ketnet.be
- Kijk.nl
- Kpn.com
- Kwf.nl
- Tui.nl
- Unibet.nl
- Unive.nl
- Wsj.com

Examples of mobile apps (iOS and Android) that contain or have contained Adobe tracking software include:

- Marktplaats
- Ziggo GO
- RTL XL
- MijnKPN
- Buienradar
- Essent Verbruiksmanager
- TomTom Go Navigation
- Asos
- Playstation

About SDBN

SDBN is a non-profit foundation based in the Netherlands, dedicated to advocating for a world where companies honor individuals' rights to privacy and personal data protection. Alongside the ongoing case against Adobe, SDBN is actively pursuing legal action against Twitter / X and Amazon.

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For further information and interview requests, please contact Michel Langendijk, press officer Data Protection Netherlands Foundation at pers@stichtingdatabescherming.nl and +31 (0)6 4096 3010

Anouk Ruhaak is the president of SDBN and a privacy specialist and activist. She lives and works from Canada, where she worked at the Mozilla Foundation. She is currently in the Netherlands and available for interviews.