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**STICHTING DATA BESCHERMING NEDERLAND  
REPORT OF THE MANAGEMENT BOARD 2022**

**I. Introduction**

Stichting Data Bescherming Nederland (**'SDBN'** or the **'Foundation'**) is a Dutch non-profit foundation (*stichting*). The Foundation is an interest organisation within the meaning of article 3:305a Dutch Civil Code (**'DCC'**).

In this report, in accordance with Clause 15(4) of the Foundation's founding articles (**'Articles'**), the management board of SDBN (**'Management Board'**) gives an account of its activities and the general course of affairs at Foundation over its first financial year. Pursuant to Clause 19 of the Articles, the first financial year spans from 20 December 2021 (the date of the Foundation's incorporation) to 31 December 2022.

This report will be published on the Foundation's websites ([www.stichtingdatabescherming.nl](http://www.stichtingdatabescherming.nl) and [www.jestaattekoop.nl](http://www.jestaattekoop.nl)) along with the Foundation's annual accounts and the annual report of the supervisory board of the Foundation (**'Supervisory Board'**).

**II. Mission**

The data economy has brought many benefits. However, the increasingly common unlawful use of personal data by large businesses and institutions is a growing source of individual and societal harm. Protecting personal data rights is essential for the fair treatment of individuals, a flourishing and competitive data economy, and a truly democratic society.

SDBN's mission is to protect the interests of data subjects that have been harmed by infringements of data protection law and to ensure that they are fairly compensated for the damage they have suffered. SDBN is currently investigating a range of legal infringements by businesses operating in the data economy.

SDBN will address these issues with the responsible parties and invite these parties to explore a fair and reasonable solution to remedy these privacy violations and to compensate those who have been harmed by such infringements. Where the responsible parties are unwilling to enter into voluntary settlement discussions, SDBN will initiate collective action litigation on behalf of its constituents to enforce their right to compensation, to obtain injunctive relief to repair existing infringements, and to prevent further infringements.

**III. Governance**

SDBN is governed by the Management Board and the Supervisory Board, each consisting of independent members with the necessary expertise and affinity in all relevant areas to carry out the Foundation's objectives.

The profiles of the members of the Management Board and Supervisory Board can be viewed on the foundation's websites ([www.stichtingdatabescherming.nl](http://www.stichtingdatabescherming.nl) and [www.jestaattekoop.nl](http://www.jestaattekoop.nl)).

### III.1 Management Board

In 2022, the Management Board consisted of three natural persons: Anouk Ruhaak (chair, appointed 14 March 2022), Arie van der Steen (treasurer, appointed 20 December 2021) and Niels Lemmers (appointed 14 March 2022).

The Management Board is responsible, among other things, for the Foundation's strategy and its financial policy, as well as its day-to-day business. In 2022, the Management Board held regular internal meetings (both in-person and through video conference) to discuss these matters. The Management Board also regularly convened with its advisors to monitor progress in ongoing and potential initiatives, and to discuss matters of *inter alia* governance, strategy (legal or otherwise), financials, and PR/outreach,

### III.2 Supervisory Board

In 2022, The Supervisory Board consisted of three natural persons: Ton Louwers (chair, appointed 14 March 2022), Michael Silverleaf (appointed 14 March 2022) and Catherine Mulligan (appointed 7 July 2022).

The supervisory board supervises the policy and strategy of the Management Board, as well as the foundation's general course of affairs, and provides advice to the Management Board (both solicited and unsolicited), always bearing in mind the interests of the foundation's base. The Management Board reports to the Supervisory Board at least once a year.

In 2022, joint meetings of the Management Board and Supervisory Board were held on 18 August and 31 October. In addition to this, there were frequent (informal) communications between the members of the Management Board, the Supervisory Board, and the Foundation's advisors by e-mail and (conference) call.

## **IV. Remuneration**

All amounts in this paragraph IV. are excluding VAT.

### IV.1 Management Board

The members of the Management Board receive a management fee for their services to the foundation.

For meetings of the MB or joint meetings with the supervisory board, members of the MB are entitled to EUR 1,000 (excluding VAT) per day attended. For additional services related to the activities of the foundation, members of the MB are entitled to a service fee of EUR 200 (excluding VAT) per hour. This hourly rate is justified, considering the experience of the members of the MB.

The total annual compensation for the members of the MB is capped at EUR 12.500. For the chair of the MB, this cap is EUR 17.500 per year. The members of the MB are also entitled to compensation of reasonably incurred costs (e.g. out-of-pocket costs and travel expenses) in the performance of their services, provided that such costs are properly substantiated.

In 2022, the members of the Management Board received a total of EUR 65.950 in compensation i.e. EUR 23.450 more than the total amount of annual compensation according to the current remuneration policy (EUR 42.500, see above). There are two explanations for the exceedance:

- i. 2022 was the first year following the Foundation's incorporation. The various (one-time)

activities involved in starting up the Foundation – such as incorporating the Foundation, as well as investigating and securing sufficient funding for the Twitter/MoPub case and the other initiatives that are currently in preparation (see below, par. VI.4) have cost a significant amount of additional time and effort from the Management Board. For these activities, the associated additional remuneration are one-time costs. Time spent on general (i.e. non-case-specific) activities are charged different to case budgets in equal measures. Moreover, part of the Foundation's operating budget has been earmarked to engage an external party to assist with certain (secretarial/practical) activities. This external party ultimately had to break off its engagement with the Foundation due to personal reasons, so that these activities were picked up by the Management Board, contributing to the exceedance of Management Board remuneration costs. However, this exceedance is set off by the fact that the budget allocated for external assistance has not been used.

- ii. Furthermore, the Management Board has determined that the current remuneration policy is, in any case, not sufficient to cover incidental peaks in the Foundation's work load. At the time this report is being prepared (Q2 2023), the Management Board and Supervisory Board are in the process of revising the remuneration policy to account for increases in the Foundation's case load and, by extension, the work load of the Foundation's boards. In short, the new policy shall provide for incremental increases in (maximum) remuneration as the Foundation takes on new cases. Case-specific activities will be charged to the budget of the case in question, while general activities will be charged to each case in equal measure. Once implemented, the revised remuneration policy will be reflected in more detail in the Foundation's Claim Code Compliance overview, which can be downloaded at the Foundation's websites ([www.stichtingdatabescherming.nl](http://www.stichtingdatabescherming.nl) and [www.jestaattekoop.nl](http://www.jestaattekoop.nl)).

The Management Board stresses that the additional costs in 2022 related to the aforementioned exceedance in remuneration were in no way detrimental to the Foundation's constituency. The additional costs did not come at the expense of the available budget for other necessary costs (e.g. costs of legal representation and PR/media costs).

#### IV.2 Supervisory Board

For their services, members of the SB are entitled to an annual remuneration of EUR 4.500 per year. For the chair of the SB, the annual remuneration is EUR 6.500 per year. The members of the SB are also entitled to compensation of reasonably incurred costs (e.g. out-of-pocket costs and travel expenses) in the performance of their services, provided that such costs are properly substantiated.

In 2022, members of the Supervisory Board received a total of EUR 12.995 in compensation.

As with the Management Board, the Supervisory Board's remuneration policy is currently being revised to account for increases in the Foundation's case load and, by extension, the work load of the Foundation's boards (see above, par IV.1 (ii)). Once implemented, the revised remuneration policy will be reflected in the Foundation's Claim Code Compliance overview, which can be downloaded at the Foundation's websites ([www.stichtingdatabescherming.nl](http://www.stichtingdatabescherming.nl) and [www.jestaattekoop.nl](http://www.jestaattekoop.nl)).

## **V. Actions/Initiatives**

### Twitter/Mopub Case

In 2022, SDBN started preparations for a collective action against Twitter regarding widespread privacy violations in connection with the use of so-called software development kits ('**SDK**') developed by MoPub, a former Twitter subsidiary. For this action, the Foundation has secured funding from a professional third-party litigation funder (see below, under Financials, par VII)

In short, SDKs developed by MoPub were used by third-party developers of many popular free mobile apps (Buienradar, Wordfeud, Vinted, and Shazam, to name a few) in order to enable targeted advertising to their users. This has resulted in the unlawful processing of vast amounts of (often highly sensitive) personal data of millions of data subjects in the Netherlands alone. SDBN is holding Twitter liable for the damages resulting from such unlawful behaviour.

Evidence preservation letters were sent to *inter alia* Twitter and Applovin (MoPub's current parent company) on 18 March 2022. A claim letter was sent to Twitter on 2 November 2022, outlining SDBN's claims and inviting Twitter to explore the possibility of an amicable solution to compensate affected data subjects. Sadly, Twitter has thus far refused to negotiate with the Foundation and denies all liability. In 2022, SDBN also started preparations for the writ of summons to initiate proceedings against Twitter under the Dutch Collective Damages Claims Act (in Dutch: *Wet afwikkeling massaschade in collectieve acties*, or '**WAMCA**'). The action is being brought on behalf of affected data subjects domiciled in the Netherlands. Service of the writ is planned in 2023.

## **VI. Activities in 2022**

### VI.1 Incorporation and establishing governance structure

Following the Foundation's incorporation on 20 December 2021, initial efforts were aimed at establishing a governance structure. The Management Board and Supervisory Board were brought up to full strength, and a remuneration policy was established (see above, under par. III. and IV.).

### VI.2 Twitter/MoPub case

Furthermore, over the course of 2022, considerable time and effort was invested investigating and otherwise preparing the Twitter/MoPub case. This included *inter alia* securing the necessary funding (see below), engaging and instructing legal counsel and other (expert) advisors, and developing the foundation's website(s) and online registration platform. The Management Board continues to closely monitor progress in the preparations for the Twitter/MoPub case.

### VI.3 Community outreach/*je staat te koop* campaign

The Foundation keeps its base informed of its activities through its websites ([www.stichtingdatabescherming.nl](http://www.stichtingdatabescherming.nl) and [www.jestaattekoop.nl](http://www.jestaattekoop.nl).) online news letters, and media appearances.

An important development in this respect was the successful launch of the Foundation's *je staat te koop* (in English: "you are for sale") campaign in early November 2022. The *je staat te koop* campaign was designed with the help of pr and media specialists, and aims to promote the Twitter/MoPub case, as well as increase awareness of the importance of privacy and data protection in general. The campaign was very well received in the Dutch press, and led many thousands of consumers to register with the Twitter/MoPub

initiative through SDBN's online registration platform at [www.jestaattekoop.nl](http://www.jestaattekoop.nl) in a show of public support.

The *je staat te koop* campaign effectively communicates consumers' vulnerability to large-scale privacy infringements and the significant risks such infringements pose on a personal level as well as to society in general. As such, the campaign can easily be adapted for use in other future cases.

#### VI.4 Other potential cases/initiatives

Lastly, the Foundation is constantly monitoring the many developments in the field of privacy and data protection, and research other (potential) cases of large-scale infringements that may lend themselves to private enforcement.

Specifically, SDBN has identified two additional cases of large-scale privacy infringements committed by well-known tech companies. Preparations for these cases are underway and the Foundation expects to go public over the course of 2023, at which time the Foundation will share more details (e.g. in the Claim Code Compliance document, which can be downloaded at the Foundation's websites ([www.stichtingdatabescherming.nl](http://www.stichtingdatabescherming.nl) and [www.jestaattekoop.nl](http://www.jestaattekoop.nl)).

## **VII. Financials**

The financial administration of the Foundation is kept by its treasurer, Mr. Arie van der Steen. Mr. van der Steen has also prepared the Foundation's annual accounts for the financial year 2022.

### VII.1 External funding

The Foundation is a non-profit organisation. In order to bear the costs of its initiatives, the Foundation relies on external funding from professional third-party funders. The Foundation does not charge an up-front fee to its constituents for any of its activities.

#### *Twitter MoPub case*

For the Twitter/MoPub case, the foundation has secured the necessary funding from Tilia Finance LP, registered in the Cayman Islands. Tilia Finance LP is owned by funds that are ultimately managed and advised by Orchard Global Capital Group ('Orchard Global'), a leading alternative asset manager.

The funding is being provided on a so-called non-recourse basis: only in the case of success and in return for having incurred the costs and borne the risks of the litigation, is the funder entitled to a success fee. The success fee payable to the funder is either a multiple of the funder's capital committed to the case or a percentage of the proceeds awarded to the class (whichever is greater). The multiple or percentage of damages increases with the time that the claim takes to resolve, but shall not exceed 20% of the total proceeds.

For more information about the funding arrangement with Tilia Finance LP, please see the Foundations's Claim Code Compliance overview, which can be downloaded at the Foundation's websites ([www.stichtingdatabescherming.nl](http://www.stichtingdatabescherming.nl) and [www.jestaattekoop.nl](http://www.jestaattekoop.nl)).

*(signature page to follow)*

Rotterdam, 26 June 2023

w.g.

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A.N. Ruhaak (chair)

w.g.

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A. van der Steen (treasurer)

w.g

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N. Lemmers

## **STICHTING DATA BESCHERMING NEDERLAND REPORT OF THE SUPERVISORY BOARD 2022**

### **I. Introduction**

Stichting Data Bescherming Nederland (**'SDBN'** or the **'Foundation'**) is a Dutch non-profit foundation (*stichting*). The Foundation is an interest organisation within the meaning of article 3:305a Dutch Civil Code (**'DCC'**).

In short, SDBN's mission is to protect the interests of data subjects that have been harmed by infringements of data protection law and to ensure that they are fairly compensated for the damage they have suffered.

In this report, in accordance with Clause 11(6) of the Foundation's founding articles (**'Articles'**), the supervisory board of SDBN (**'Supervisory Board'**) gives an account of its supervision of the Foundation over its first financial year. Pursuant to Clause 19 of the Articles, the first financial year spans from 20 December 2021 (the date of the Foundation's incorporation) to 31 December 2022.

This report will be published on the Foundation's websites ([www.stichtingdatabescherming.nl](http://www.stichtingdatabescherming.nl) and [www.jestaattekooop.nl](http://www.jestaattekooop.nl)) along with Foundation's annual accounts and the annual report of the management board of the Foundation (**'Management Board'**).

### **II. Composition**

In 2022, The Supervisory Board consisted of three natural persons: Ton Louwers (chair, appointed 14 March 2022), Michael Silverleaf (appointed 14 March 2022) and Catherine Mulligan (appointed 7 July 2022).

The profiles of the members of the Supervisory Board can be viewed on the foundation's websites ([www.stichtingdatabescherming.nl](http://www.stichtingdatabescherming.nl) and [www.jestaattekooop.nl](http://www.jestaattekooop.nl)).

### **III. Performance of supervisory duties**

The supervisory board monitors the policy and strategy of the Management Board, as well as the foundation's general course of affairs, and provides advice to the Management Board (both at its request and *sua sponte*), always bearing in mind the interests of the foundation's base. The Management Board reports to the Supervisory Board at least once a year.

In 2022, joint meetings of the Management Board and Supervisory Board were held on 18 August and 31 October. In addition to this, there were frequent (informal) communications between the members of the Management Board, the Supervisory Board, and the Foundation's advisors by e-mail and (conference) call.

At such occasions, the Supervisory Board shared its views and advice with the Management Board and the Foundation's advisors on various issues, including (i) the Foundation's governance, (ii) (legal) strategy in connection with the ongoing Twitter/MoPub case and other potential initiatives, and (iii) the Foundation's financial policy.



#### **IV. Conclusion**

2022 has been a busy first year for SDBN, in which the Foundation was incorporated, a governance structure was established, and the Foundation took on its first case (Twitter/MoPub). The Supervisory Board hereby expresses its appreciation for the Management Board's efforts in this respect over the past financial year.

Rotterdam, 26 June 2023

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A.H.T. Louwers (chair)

w.g.

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C.E.A. Mulligan

w.g.

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A.M. Silverleaf

**STICHTING DATA BESCHERMING NEDERLAND  
ANNUAL ACCOUNTS 2022**

## A. Balance Sheet

31.12.2022

### FIXED ASSETS

Intangible fixed assets	--
Tangible fixed assets	--

### CURRENT ASSETS

Inventories	--
VAT Q4 receivable	€ 67,157
Cash and bank balances	€ 5,000

### CURRENT LIABILITIES

Creditors	--
Accrued liabilities	€ 72,157
Current assets minus current liabilities	€ 0

Assets minus current liabilities	€ 0
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### EQUITY

€ 0

## B. Statement of Income and Expenses

	<u>2022</u>
<b><u>INCOME</u></b>	
Third Party Funding	€ 1,229,478
<b>Total</b>	<b>€ 1,229,478</b>
<b><u>EXPENSES</u></b>	
lawyer cost	€ 486,109
ICT	€ 44,023
D&O Insurance	€ 15,730
Management board incl. secretarial assistance	€ 72,806
Supervisory board	€ 12,995
Back office and start-up costs	€ 136,830
PR and book building costs	€ 210,877
Experts	€ 246,072
Consultancy	€ 4,036
<b>Total</b>	<b>€ 1,229,478</b>
<b>Operating Income</b>	<b>--</b>
<b>Non-operating income</b>	<b>--</b>
<b><u>NET INCOME</u></b>	<b>€ 0</b>

**STICHTING DATA BESCHERMING NEDERLAND  
NOTES TO THE ANNUAL ACCOUNTS 2022**

## **A. Notes to the Balance Sheet**

### **BALANCE SHEET VALUATION POLICIES**

#### **General**

Valuation of assets and liabilities and determination of the result take place under the historical cost convention.

Unless mentioned otherwise at the relevant principle for the specific balance sheet item, assets and liabilities are presented at face value.

#### **Receivables**

Upon initial recognition the receivables are recorded at the fair value and subsequently valued at the amortized cost. The fair value and amortized cost equal the face value. Provisions deemed necessary for doubtful accounts are deducted. These provisions are determined by individual assessment of the receivables.

#### **Cash and cash equivalents**

Cash and cash equivalents are valued at nominal value and, insofar as not stated otherwise, are at the free disposal of the company.

#### **Current liabilities**

Current liabilities concern debts with a term of less than one year. Upon initial recognition the current liabilities are recorded at the fair value and subsequently valued at the amortized cost.

## **B. Notes to the Statement of Income and Expenses**

### **PRINCIPLES FOR THE DETERMINATION OF INCOME AND EXPENSES**

#### **Income**

Net income represents amounts invoiced for services rendered during the financial year reported on, net of discounts and value added taxes.

#### **Expenses**

Expenses are attributed to the financial year to which they relate.

*(signature page to follow)*

Rotterdam, 26 June 2023

**On behalf of the Management Board**

w.g.

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A.N. Ruhaak

w.g.

\_\_\_\_\_  
A. van der Steen

w.g.

\_\_\_\_\_  
N. Lemmers

**On behalf of the Supervisory Board**

w.g.

\_\_\_\_\_  
A.H.T. Louwers

w.g.

\_\_\_\_\_  
C.E.A. Mulligan

w.g.

\_\_\_\_\_  
A.M. Silverleaf