NOTICE OF PROCEEDINGS IN SUMMARY PROCEEDINGS

(ACT ON THE SETTLEMENT OF MASS CLAIMS IN COLLECTIVE ACTIONS)

The Judge in Preliminary Relief Proceedings at the District Court of Amsterdam, by order of 14 October 2026, upon a written request from the claimants pursuant to Article 117 of the Code of Civil Procedure, shortened the summons period referred to in Article 115 of the Code of Civil Procedure for those defendants subject to a three-month summons period, and ruled that this summons must be served on the defendants as soon as possible after 22 October 2026, and that the claimants must immediately notify the defendants of the date and time of the oral hearing, together with the draft summons and the aforementioned order, and that these conditions must be included in the summons.

Today, the twenty-third of October two thousand and twenty-six (23-10-2026), at the request of the foundation **STICHTING OFFLIMITS**, with its registered office and place of business at Nieuwezijds Voorburgwal 120, (1012 SH) Amsterdam, herewith electing domicile in (1017 NA) Amsterdam, at Leidsegracht 9, at the offices of Boekx Advocaten, whose lawyers, Mr O.M.B.J. Volgenant and Mr K. Han, are appointed by the applicant as her lawyers and will act for her in court in that capacity, with the right of substitution;

and at the request of the foundation **STICHTING FIREWALL**, having its registered office and place of business at the Veemgebouw, Van Diemenstraat 408, (1013 CR) Amsterdam, of which Mr N.S.G. de Bruijn has been appointed as counsel by the applicant and will act on her behalf in court in that capacity, with the right of substitution;

pursuant to a written order issued by the Judge in Preliminary Relief Proceedings at the District Court of Amsterdam, which order is served together with this summons;

SUMMONED IN SUMMARY PROCEEDINGS

1. **<u>the company governed by foreign law Meta Platforms, Inc.</u>**
   with its registered office and place of business in the United States of America, at the following address:
   Meta Platforms, Inc
   1 Meta Way
   Menlo Park
   California 94025
   United States
   with no known place of residence or actual place of abode in the Netherlands.
   Consequently, pursuant to Article 55(1) of the Code of Civil Procedure, I served my writ on the Public Prosecutor's Office at the District Court of Amsterdam, where, at the address IJdok 163, 1013 MM AMSTERDAM, I delivered two copies of this writ and of the documents to be specified below, each accompanied by a translation of those documents into English, to:

   who is employed there and present at that address.

   It is requested that this writ, and the documents to be specified below, accompanied by translations of those documents into English, be served on Meta Platforms, Inc. in accordance with Articles 3 to 6 of the Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil and Commercial

Matters of 15 November 1965 (the 'Convention'), namely by service in accordance with the formalities prescribed by the law of the requested Member State for the service of documents drawn up in that country and intended for persons situated there, whereby the (central) authority is further requested to return a copy of this writ, accompanied by the certificate referred to in Article 6 of the Convention.

Furthermore, a copy of this writ and of the document(s) to be specified, together with a translation of those documents into English, shall be sent by me without delay by UPS courier and by registered post to the address of Meta Platforms, Inc., as mentioned above, as well as by email to the email addresslegalnotices@meta.com , and furthermore, in accordance with Article 10(b) of the Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil and Commercial Matters of 15 November 1965, I have without delay sent a copy of this writ, excluding the annexes, together with a translation thereof into the English language, to a bailiff, official or other authorised person in the State of California (United States of America) with a request that service be effected on Meta Platforms, Inc., in accordance with the formalities prescribed by the laws of the State of California (United States of America);

2. **the company governed by foreign law, Meta Platforms Technologies, LLC**
with its registered office and place of business in the United States of America, at the following address:
Meta Platforms Technologies, LLC
1 Meta Way
Menlo Park
California 94025
United States
with no known place of residence or actual place of abode in the Netherlands.

Consequently, pursuant to Article 55(1) of the Code of Civil Procedure, I served my writ on the Public Prosecutor's Office at the District Court of Amsterdam, where, at the address IJdok 163, 1013 MM AMSTERDAM, I delivered two copies of this writ and of the documents to be specified below, each accompanied by a translation of those documents into English, to:

who is employed there and present at that address.

It is requested that this writ, and the documents to be specified below, accompanied by translations of those documents into English, be served on Meta Platforms Technologies, LLC in accordance with Articles 3 to 6 of the Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil and Commercial Matters of 15 November 1965 (the 'Convention'), namely by service in accordance with the formalities prescribed by the law of the requested Member State for the service of documents drawn up in that country and intended for persons situated there, whereby the (central) authority is further requested to return a copy of this writ, accompanied by the certificate referred to in Article 6 of the Convention.

Furthermore, a copy of this writ and of the document(s) to be specified, together with a translation of those documents into English, will be sent by me without delay by UPS courier and by registered post to the address of Meta Platforms Technologies, LLC, as aforesaid, as well as by email to the email addresslegalnotices@meta.com ; furthermore, in accordance with Article 10(b) of the Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil and Commercial Matters of 15 November 1965, I shall without delay send a copy of this writ, excluding the annexes, together with a translation thereof into the English language, to a bailiff, official or other competent person authorised

for that purpose in the State of California (United States of America), with a request that service or notification thereof be effected upon Meta Platforms Technologies, LLC, in accordance with the formalities prescribed by the laws of the State of California (United States of America);

3. **the company incorporated under Irish law, Meta Platforms Technologies Ireland Limited**
with its registered office and place of business in Ireland, at the following address:
Meta Platforms Technologies Ireland Limited
Merrion Road
Dublin 4
D04 X2K5
Ireland
with no known place of residence or actual place of abode in the Netherlands.

Accordingly, pursuant to Article 56(2) of the Code of Civil Procedure and in my capacity as the transmitting agency as referred to in Regulation (EU) No 2020/1784 of the European Parliament and of the Council of 25 November 2020 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (EU Service Regulation), I have sent two copies of this summons

SENT TO THE FOLLOWING RECEIVING AUTHORITY
Service of EU documents, Courts Service Centralised Office, Court Office
The Courthouse
Castlebar
Co. Mayo
F23 YA99
Ireland

This transmission took place today via a secure and reliable decentralised IT system for the exchange of documents, as referred to in Article 5(1) of Regulation (EU) 2020/1784 of the European Parliament and of the Council of 25 November 2020, and is accompanied by the following documents:

- two translations of this summons into English and
- the application form referred to in Regulation (EC) No 2020/1784 of the Council of the European Union of 25 November 2020, completed in English.

I have requested the receiving agency to serve this summons, accompanied by a translation into English, on **Meta Platforms Technologies Ireland Limited** in the manner described under point 5 of the aforementioned form 'Application for the service or notification of documents', namely service in accordance with the law of the requested state (5.1 of the form).

FURTHERMORE, FOR THE PURPOSE OF SERVICE ON META PLATFORMS TECHNOLOGIES IRELAND LIMITED, a copy of this summons, together with a translation thereof into the English language, is today being sent by me, in accordance with Article 56(3) of the Code of Civil Procedure and Article 18 of the aforementioned EU Service Regulation, by UPS courier and by registered post to the address of Meta Platforms Technologies Ireland Limited, as aforesaid. The document sent is accompanied by Form L, as referred to in Article 12(2) and (3) of the EU Service Regulation, which is set out in Annex I to the EU Service Regulation.

Meta Platforms Technologies Ireland Limited may reject this document if it is not written in, or is not accompanied by a translation into, one of the following languages:

- a language understood by Meta Platforms Technologies Ireland Limited, or

- the official language of the Member State addressed or, if there are several official languages in the Member State addressed, the official language or one of the official languages of the place where service is to be effected.
  If Meta Platforms Technologies Ireland Limited refuses this document on the grounds of the language, this may be appealed by sending the following to my office within two weeks of today's date:
  Groot & Evers Bailiffs
  Hiridostraat 3
  1101 CW Amsterdam
  Netherlands
- the aforementioned Form L. This form also sets out this right to refuse on the grounds of the language of the document; or
- a statement drawn up by yourself stating that the documents are being refused on the grounds of the language in which they are written

as well as by email to the email addressprivacy@meta.com .

4. <u>the company incorporated under Irish law, Meta Platforms Ireland Limited</u>

with its registered office and place of business in Ireland, at the following address:
Meta Platforms Ireland Limited
Merrion Road
Dublin 4
D04 X2K5
Ireland

with no known place of residence or actual place of abode in the Netherlands.

Accordingly, pursuant to Article 56(2) of the Code of Civil Procedure and in my capacity as the transmitting agency as referred to in Regulation (EU) No 2020/1784 of the European Parliament and of the Council of 25 November 2020 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (EU Service Regulation), I have sent two copies of this summons

SENT TO THE FOLLOWING RECEIVING AUTHORITY

Service of EU documents, Courts Service Centralised Office, Court Office
The Courthouse
Castlebar
Co. Mayo
F23 YA99
Ireland

This transmission took place today via a secure and reliable decentralised IT system for the exchange of documents, as referred to in Article 5(1) of Regulation (EU) 2020/1784 of the European Parliament and of the Council of 25 November 2020, and is accompanied by the following documents:

- two translations of this summons into English and
- the application form referred to in Regulation (EC) No 2020/1784 of the Council of the European Union of 25 November 2020, completed in English.

I have requested the receiving agency to serve this summons, accompanied by a translation into English, on **Meta Platforms Ireland Limited** in the manner described under point 5 of the aforementioned form

'Application for the service or notification of documents', namely service in accordance with the law of the requested state (5.1 of the form).

FURTHERMORE, FOR THE PURPOSE OF SERVICE ON META PLATFORMS IRELAND LIMITED, a copy of this summons, together with a translation thereof into the English language, is today being sent by me, in accordance with Article 56(3) of the Code of Civil Procedure and Article 18 of the aforementioned EU Service Regulation, by UPS courier and by registered post to the address of Meta Platforms Ireland Limited, as mentioned above. The document sent is accompanied by Form L, as referred to in Article 12(2) and (3) of the EU Service Regulation, set out in Annex I to the EU Service Regulation.

Meta Platforms Ireland Limited may refuse this document if it is not drawn up in, or is not accompanied by a translation into, one of the following languages:

- a language which Meta Platforms Ireland Limited understands, or
- the official language of the Member State addressed or, if there are several official languages in the Member State addressed, the official language or one of the official languages of the place where service is to be effected.
  If Meta Platforms Ireland Limited refuses this document on the grounds of the language, this may be appealed by sending the following to my office within two weeks of today's date:
  Groot & Evers Bailiffs
  Hiridostraat 3
  1101 CW Amsterdam
  Netherlands
- the aforementioned Form L. This form also sets out this right to refuse on the grounds of the language of the document; or
- a statement drawn up by yourself stating that the documents are being refused on the grounds of the language in which they are written

as well as by email to the email addressprivacy@meta.com .

5. **the company incorporated under Italian law, Luxottica Group S.p.A.**
with its registered office and place of business in Italy, at the following address:
Luxottica Group S.p.A.
Piazzale Luigi Cadorna 3
20123 Milan
Italy
with no known place of residence or actual place of abode in the Netherlands.

Accordingly, pursuant to Article 56(2) of the Code of Civil Procedure and in my capacity as the transmitting agency as referred to in Regulation (EU) No 2020/1784 of the European Parliament and of the Council of 25 November 2020 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (EU Service Regulation), I have sent two copies of this summons

SENT TO THE FOLLOWING RECEIVING AUTHORITY
Unep at the Court of Appeal of MILAN
Via Freguglia 1
20121 MILAN
Italy

This transmission took place today via a secure and reliable decentralised IT system for the exchange of documents, as referred to in Article 5(1) of Regulation (EU) 2020/1784 of the European Parliament and of the Council of 25 November 2020, and is accompanied by the following documents:

- two translations of this summons into Italian and
- the application form referred to in Regulation (EC) No 2020/1784 of the Council of the European Union of 25 November 2020, completed in Italian.

I have requested the receiving agency to serve this summons, accompanied by a translation into Italian, on **Luxottica Group S.p.A.** in the manner described under point 5 of the aforementioned form 'Application for the service of documents', namely service in accordance with the law of the requested State (5.1 of the form).

FURTHERMORE, FOR THE PURPOSE OF SERVICE OR NOTIFICATION ON THE AFOREMENTIONED LUXOTTICA GROUP S.p.A., a copy of this summons, together with a translation thereof into the Italian language, is being sent today by me, in accordance with Article 56(3) of the Code of Civil Procedure and Article 18 of the aforementioned EU Service Regulation, by UPS courier and by registered post to the address of Luxottica Group S.p.A. as aforesaid. The document sent is accompanied by Form L, as referred to in Article 12(2) and (3) of the EU Service Regulation, set out in Annex I to the EU Service Regulation.

Luxottica Group S.p.A. may refuse this document if it is not drawn up in, or is not accompanied by a translation into, one of the following languages:

- a language which Luxottica Group S.p.A. understands, or
- the official language of the Member State addressed or, where there are several official languages in the Member State addressed, the official language or one of the official languages of the place where service is to be effected.

  If Luxottica Group S.p.A. refuses to accept this document on the grounds of the language, it may do so by sending it to my office within two weeks of today's date:

  Groot & Evers Bailiffs
  Hiridostraat 3
  1101 CW Amsterdam
  Netherlands
- the aforementioned Form L. This form also sets out this right to refuse on the grounds of the language of the document; or
- a statement drawn up by yourself stating that the documents are being refused on the grounds of the language in which they are written

as well as by email to the email addresses luxotticamilano@legalmail.it and privacy@luxottica.com .

To appear in person or, represented by a lawyer**,** on **26 November 2026 at 10.00 am (26-11-2026 at 10.00 am)** at the hearing before the judge in preliminary relief proceedings at the District Court of Amsterdam, sitting in summary proceedings, Civil Division, to be held at that time in one of the courtrooms of the Courthouse at Parnassusweg 280, (1076 AV) Amsterdam;

NOTING THAT:

a. if a defendant fails to appear at the hearing either in person or represented by a lawyer, and the prescribed time limits and formalities have been observed, the judge will rule in default against that defendant and grant the claim set out below, unless it appears to him to be unlawful or unfounded;
b. if at least one of the defendants has appeared at the hearing, either in person or through a lawyer, a single judgement shall be delivered between all the parties, which shall be regarded as a judgement following an adversarial hearing;
c. where any of the defendants appears in the proceedings, a court fee shall be levied, payable within four weeks from the date of appearance;
d. the amounts of the court fees are set out in the most recent annex to the Civil Proceedings (Court Fees) Act, which can be found, amongst other places, on the website:www.kbvg.nl/griffierechtentabel ;
e. a person who is indigent shall be charged a court fee for indigent persons, as laid down by or pursuant to the law, provided that, at the time the court fee is levied, they have submitted:
    1. a copy of the decision to grant legal aid, as referred to in Article 29 of the Legal Aid Act, or, if this is not possible due to circumstances that cannot reasonably be attributed to them, a copy of the application referred to in Article 24(2) of the Legal Aid Act, or;
    2. a statement from the board of the Legal Aid Board, as referred to in Article 7(3)(e) of the Legal Aid Act, showing that his income does not exceed the income thresholds set out in the Order in Council pursuant to Article 35(2) of that Act;
f. in the case of defendants who are represented by the same lawyer and who submit identical submissions or put forward identical defences, a single joint court fee shall be levied in accordance with Article 15 of the Civil Proceedings (Court Fees) Act.
g. the claimant and the defendant are obliged to set out fully and truthfully the facts relevant to the court's decision;
h. the court must regard as established the facts or rights put forward by a party which have not been contested, or have not been sufficiently contested, by the opposing party, subject to its power to require evidence, where acceptance of the assertions would lead to a legal consequence not subject to the parties' free determination;
i. plaintiffs are obliged, on pain of inadmissibility, to register this summons in the central register for collective actions as referred to in Article 3:305a(7) of the Dutch Civil Code.

FOR THE PURPOSE

to claim the following on behalf of the claimants.

1. INTRODUCTION

1.1 These interim proceedings concern the Meta glasses. These glasses resemble ordinary glasses. In reality, they are a hidden camera whose footage is shared with Meta. This takes place without the consent of those appearing in the footage.

1.2 The Meta glasses undermine the core values of our democracy. With the introduction of these glasses, there is a risk of being filmed anywhere. Furthermore, footage ends up in Meta's hands. This has a *chilling effect* on various fundamental rights, including freedom of expression, the right to demonstrate and freedom of religion. This contravenes the law in several respects. Meta is acting unlawfully and even criminally.

1.3 Meta, Marc Zuckerberg's company, has been under fire for years due to systemic privacy breaches. The fines Meta has received are too numerous to count on two hands. Anyone can simply buy a pair of glasses in a shop such as Pearle or online. This is also the case in the Netherlands. By 2025, more than 7 million pairs of glasses will have been sold worldwide. This year, 14 million pairs are expected to be sold.

1.4 In these interim proceedings, Offlimits and The Firewall are demanding that Meta cease offering the Meta glasses, which enable recordings to be made without the consent of those involved. As regards the Meta glasses that have already been sold, Meta must disable the functionality that allows recordings to be made without consent.

1.5 The substantive part of this summons runs to 35 pages. This length is necessary to provide an adequate picture of the public concern, the numerous incidents, the relevant legal provisions and the flagrant breaches thereof. This is an urgent social issue. Financial interests are at stake on the defendants' side.

2. PARTIES

Offlimits Foundation

2.1 The Offlimits Foundation (hereinafter also 'Offlimits') aims to prevent and combat online (sexual) inappropriate behaviour and abuse.

2.2 Offlimits' statutory objective reads (exhibit 1): *'The foundation's objective is to prevent and combat online inappropriate behaviour and abuse in general, and to prevent and combat online sexual (child) abuse and sexual (child) exploitation in particular, as well as everything directly or indirectly related to these matters or which may contribute to them, all in the broadest sense of the word.'*

2.3 Offlimits began in 1995 as the Child Pornography Reporting Centre. Offlimits has three 'services', namely (a) the child pornography reporting centre, (b) the helpline and (c) the prevention service. Offlimits' helpline (formerly Helpwanted) serves as an accessible reporting service for online inappropriate behaviour. Offlimits offers practical help and provides personalised advice to anyone dealing with online inappropriate behaviour. The ACM has granted Offlimits the official status of *'trusted* flagger' (exhibit 2). As a result, platforms falling under the DSA are obliged to take action when Offlimits reports illegal content. In 2025, Offlimits received over 12,000 individual requests for help, of which more than 9,000 concerned sexually explicit material.

2.4 The Offlimits.nl website is primarily in Dutch, and the majority of victims who contact Offlimits

for help are likely to be resident in the Netherlands. However, Offlimits also explicitly focuses on non-Dutch-speaking victims. Part of its website is in English (see https://hulplijn.offlimits.nl/en) and the helpline staff regularly assist victims who do not speak Dutch.

The Firewall Foundation

2.5 The Firewall Foundation ('The Firewall') was established in September 2025 and has since been championing the interests of Dutch residents against the harmful influence and dominant positions of large technology companies, also referred to as Big Tech.

2.6 The Firewall's statutory objective is as follows (exhibit 3): *'The foundation's objective is: to safeguard democratic society in the European Union from the harmful influence and dominant positions of Big Tech and other companies through the operation of online platforms and online services, and to carry out all activities related to this or that may contribute to this objective.'*

2.7 Big Tech wields disproportionate power in our society. Social media platforms are flooding our society with fake news. The freedom and well-being of current and future generations are therefore at stake. The erosion of democratic norms and values through the behaviour of Big Tech is a daily occurrence. The Firewall is committed to protecting our democracy. The Firewall is the first foundation in the Netherlands (and Europe) to combine investigative journalism with legal clout. If The Firewall considers that the conduct of Big Tech poses a serious threat to the democratic rule of law, it can take legal action.

2.8 The Firewall's aim and mission enjoy broad support within Dutch society. After one year, it has more than 13,636 donors, of whom 5,881 are supporters (120 euros per year) and 275 are allies (1,500 euros per year). These are regular donors. The Firewall is regularly mentioned in the media, and its staff are frequently asked to provide commentary. The Firewall also collaborates with other foundations, such as Privacy First, Human Rights in Finance, and, in these proceedings, with Offlimits.

2.9 Offlimits and The Firewall will hereinafter be referred to collectively as 'the claimants'.

Defendants 1, 2, 3 and 4: the Meta entities concerned

2.10 Defendant 1, Meta Platforms Inc., is the publicly listed US parent company under which all the Meta companies involved fall. Company information relating to Meta Platforms Inc. is submitted as exhibit 4. Defendant 2, Meta Platforms Technologies, LLC, is a separate US company within the Meta group, responsible for the Meta glasses and the Meta AI app (exhibit 5). Defendant 3, Meta Platforms Technologies Ireland Ltd., is the entity within the European Union responsible for the Meta glasses and the Meta AI app (exhibit 6). Defendant 4, Meta Platforms Ireland Limited, is the company based in Ireland which is responsible within the European Union for Meta's platform services, including Facebook, Instagram and WhatsApp.[1] Defendants 1, 2, 3 and 4 will be referred to collectively as 'Meta' in these proceedings.

2.11 Meta processes the personal data of individuals filmed using the Meta glasses. As far as the claimants can ascertain, all four Meta entities summoned in these proceedings are involved in this. The Meta glasses record footage which is received by Meta via the Meta AI app. This involves the European and US entities of Meta Platforms Technologies. When the recordings are shared via Facebook, Instagram or WhatsApp, the European entity of Meta Platforms is the data controller for this purpose, and this European entity shares the data with the US parent

[1] 'Instagram Help Centre: Terms of Use', help.instagram.com/termsofuse, 2026.

company. The claimants are not aware of the exact division of roles between these companies. The claimants' claims are directed at Meta as a whole and at all its subsidiaries.

2.12 Meta offers the following services, amongst others: WhatsApp, Instagram, Facebook, Messenger, Meta AI and Threads. Meta employs nearly 80,000 people, and in 2025 it made a net profit of over $60 billion on a turnover of over $200 billion (exhibit 7). The company has approximately 3.6 billion daily active users worldwide.[2] Meta's profits and user numbers continue to rise.

2.13 Meta is a *repeat offender*. Since 2017, Meta has been hit with dozens of fines. These amount to enormous sums running into the hundreds of billions of dollars. And further fines are set to follow. Meta is currently the subject of large-scale investigations by the European Commission. The European Commission has already provisionally concluded that Instagram and Facebook have an addictive design and that Meta does not adequately protect minors. An overview of the fines imposed on Meta and the European Commission's investigations is submitted as exhibit 8.

2.14 Internal documentation from Meta reveals that the company's policy is to deliberately fail to comply with laws and regulations, or else to comply in the most minimal way possible (exhibit 9): *'As a company, we make different choices when it comes to regulatory response. Sometimes we don't comply and accept a fine. Sometimes we comply in the most minimal or literal way possible.'*

2.15 A clear pattern emerges from this: Meta systematically breaches the rules, particularly where privacy protection is concerned, and Meta resolves this retrospectively by paying hefty fines or settlements. With an annual net profit of $60 billion, Meta can easily meet all fines and settlements. It is a calculated risk. This approach has enabled Meta to become a large and powerful company with deep pockets. But by then, the damage has already been done. The rights violations cannot be undone. The victims are left empty-handed.

2.16 This pattern is evident in this dispute over the Meta glasses. Meta has brought the glasses to market and is infringing the rights of all individuals who have been filmed without their consent using the Meta glasses. This will undoubtedly lead to heavy fines in the future. Through these interim proceedings, the claimants seek to ensure that the breach of privacy ceases as soon as possible. This is in the interests of all victims, and in particular to prevent future victims.

Defendant 5: the supplier of Ray-Ban and Oakley Meta glasses

2.17 Meta offers the glasses in collaboration with the Ray-Ban and Oakley brands. Both brands are part of the EssilorLuxottica group. This is the world's largest eyewear manufacturer. The Ray-Ban brand belongs to the Italian company Luxottica Group S.p.A., defendant 5. This is evident from the *Terms of Use* (exhibit 10). Furthermore, a reference to Luxottica Group S.p.A. appears at the bottom of the Ray-Ban website (exhibit 11). The entry in the commercial register is submitted as exhibit 12 . The Oakley brand belongs to Oakley Inc., based in the United States. EssilorLuxottica is the parent company of Oakley Inc. Luxottica Group S.p.A., defendant No. 5, is the authorised representative and importer in the European Union (exhibit 13). Furthermore, the terms and conditions of sale confirm that the contract of sale with the consumer purchasing Oakley Meta glasses is concluded with Luxottica Group S.p.A., defendant No. 5 (exhibit 13).

[2] 'Meta Reports Second Quarter 2026 Results', investor.atmeta.com, 29 July 2026.

3. ADMISSIBILITY OF 'OFFLIMITS'

3.1 Offlimits meets all the requirements for admissibility. There are two separate grounds on which Offlimits is admissible.

3.2 Firstly, Offlimits has a *legitimate interest* in preventing and combating cross-border online conduct. All claims brought by Offlimits in these proceedings fall within this scope. With regard to Offlimits' claims concerning the use of Meta glasses to record individuals without their knowledge or consent, and the subsequent processing of that personal data by Meta, there is also a second ground for admissibility: this constitutes a collective action aimed at protecting the interests of persons *other* than Offlimits itself, namely the (future) victims of whom recordings are made using Meta glasses without their consent and/or knowledge. The WAMCA applies when assessing whether Offlimits is entitled to act on behalf of the interests of these *other individuals*. The following is relevant to Offlimits' standing.

3.3 Offlimits is bringing these proceedings in pursuit of a non-profit objective. The claims are intended to protect the interests which Offlimits represents in accordance with its articles of association. Pursuant to Article 3:305a(6), Offlimits is not required to comply with paragraphs 2 and 5 of that article, as it is not seeking compensation for (collective) damage and has no financial interest in these proceedings. The nature of the claim brought by Offlimits, of the legal entity itself, and of the persons whose interests the legal action seeks to protect also support this conclusion.

3.4 Offlimits meets the admissibility requirements of Article 3:305a(3) of the Dutch Civil Code.

a. The directors of Offlimits do not have any profit motive that is realised through Offlimits.
b. Offlimits' legal claims are closely connected to the Dutch legal sphere:
   - None of the defendants are domiciled in the Netherlands. Their services and products are aimed at the Dutch public. The Meta glasses are available in the Netherlands, both online and in opticians' shops. The explanation of the functionality of the Meta glasses is available in Dutch, as are the applicable terms and conditions.
   - In these interim proceedings, Offlimits is primarily acting on behalf of victims resident in the Netherlands, and on behalf of these victims it is seeking an injunction (a) prohibiting the offering in the Netherlands of the functionality to make recordings using the Meta glasses without the consent of the persons being recorded, and (b) prohibiting the processing of this personal data. The legal claims are therefore closely linked to the Dutch legal sphere.
c. Offlimits – together with The Firewall – has requested the defendants to comply with the claims made in these proceedings and to enter into consultation on the matter, and has set a sufficiently generous timeframe for this (this is discussed in more detail in Chapter 10). This has not led to an agreement.

3.5 Offlimits therefore meets the admissibility requirements of Article 3:305a(3) of the Dutch Civil Code and requests the judge in summary proceedings to declare its application admissible pursuant to Article 3:305a(6) of the Dutch Civil Code.

3.6 Pursuant to Article 1018b(1) of the Code of Civil Procedure, Title 14A of the Code of Civil Procedure (on collective actions and collective damages) does not apply in summary proceedings, with the exception of Article 1018c(1) of the Code of Civil Procedure. The requirements of Article 1018c(1) of the Code of Civil Procedure have been met. The claimants shall, within two days of service of the writ, have it entered in the central register for collective claims as referred to in Article 1018c(2) of the Code of Civil Procedure. The claimants shall send

this writ to the designated email address of the Council for the Judiciary, requesting that it be entered in the register.

3.7 Offlimits has previously been granted leave to proceed with similar claims in the public interest against online platforms in the cases against the porn websites vagina.nl (main proceedings against a defendant based in the Netherlands) and xhamster.com (interim relief proceedings against a defendant based abroad), and earlier this year in the cases against Grok and X (interim relief proceedings against defendants based in the United States and Ireland).[3] In all the legal proceedings brought by Offlimits, the claims have been upheld.

3.8 In these collective proceedings, Offlimits is also defending the rights of victims who have not (yet) come forward to it. The *primary* aim of the injunction sought is to prevent future victims. It follows from the nature of this claim that it concerns individuals who have not yet come forward to Offlimits.

3.9 Article 3:305a of the Dutch Civil Code has stipulated, ever since its introduction in 1994, that a foundation may bring a legal action to protect the similar interests of other persons, in so far as it represents these interests in accordance with its articles of association. In doing so, the legislature has provided additional scope for legal actions with a non-profit purpose, such as the present one.[4] The regime of the WAMCA, which applies from 1 January 2020, is aimed at the settlement of claims for damages and is not intended to restrict the scope for collective proceedings concerning non-profit claims. Offlimits is not claiming damages in these interim proceedings, but merely an injunction.

3.10 In the hypothetical event that Offlimits' claim were to be declared inadmissible, there would be no possibility of using a collective action to defend victims who are anonymous and wish to remain so, or to prevent future victims. In that case, the victims would be left empty-handed, and the filming of Meta glasses using hidden cameras, as well as Meta's processing of this footage of victims, would not be restricted.

3.11 The claims have a sufficient connection with the Dutch legal system. The claims are in line with the literal wording of section 1 of Article 3:305a(3)(b). That provision stipulates that a legal claim has a sufficiently close connection with the Dutch legal sphere if the majority of the persons whose interests the legal claim is intended to protect have their habitual residence in the Netherlands. The claims based on this part of the *scope rule* are intended solely to protect persons who have their habitual residence in the Netherlands. After all, an injunction is sought in so far as it concerns persons residing in the Netherlands. And when the Meta glasses are used in the Netherlands to make recordings without the consent of the persons being recorded, the infringements of rights take place in the Netherlands. This also applies to the infringements resulting from the processing of that personal data by Meta.

4. ADMISSIBILITY OF THE FIREWALL

4.1 The Firewall meets all the requirements for admissibility.[5] The Firewall is also subject to the

[3] Amsterdam District Court, 16 February 2022, ECLI:NL:RBAMS:2022:557 (*Offlimits v. Vagina.nl*),
and Amsterdam Court of Appeal, 11 June 2024, ECLI:NL:GHAMS:2024:1572 (*Offlimits v. Hammy Media*), upheld by the Amsterdam District Court, 12 April 2023, ECLI:NL:RBAMS:2023:2192,
Amsterdam District Court, 26 March 2026, ECLI:NL:RBAMS:2026:3106 (*Offlimits v. Grok and X*).
[4] *Parliamentary Papers II* 2017/18, 34608, 6, p. 17.
[5] In accordance with Article 1018c(1)(a) to (f) and Article 3:305a(1) in conjunction with (2), (3) and (6) of the Dutch Civil Code.

lighter WAMCA regime, as set out above.

4.2 The Firewall has been addressing the power and influence of Big Tech for over a year, including by campaigning against Kyndryl's takeover of Solvinity. In addition, it is currently conducting research into, amongst other things, deepfakes, data centres, disinformation, online threats and hate speech. The Firewall's aim is to safeguard democratic society in the European Union from the harmful influence and dominant position of Big Tech and other companies through the operation of online platforms and online services, and to undertake all activities related to this or which may contribute to this aim. To achieve The Firewall's objective, this also includes taking legal action and bringing collective actions. This follows from The Firewall's articles of association (exhibit 3).

4.3 The Firewall is acting as an advocate in this case. The Firewall defends the interests of its supporters, namely Dutch citizens and the democratic rule of law in which they live. The Firewall represents the similar interests of these affected parties.[6] In these proceedings, the points of dispute and claims may be adjudicated without it being necessary to take into account the specific circumstances of the individual interested parties.[7]

4.4 The interests are similar because all Dutch citizens face the same problem: the risk that recordings may be made of them without their knowledge or consent, and that this data may be processed by Meta without consent. The creation, storage and processing of these images pose a threat to the Dutch democratic constitutional state and the fundamental rights of its inhabitants on which it is founded.[8]

4.5 The claims in these proceedings seek a ban on the Meta glasses. Through these proceedings, The Firewall seeks to protect the interests and fundamental rights of Dutch residents. The claims are intended to safeguard the collective interests of all residents in the Netherlands. These interests are particularly suited to being consolidated. The resolution of the claims brought by the claimants therefore requires a joint response to both factual and legal questions.

4.6 The Firewall meets the representativeness requirement. In the case of public-interest actions, an interest group must demonstrate, in proceedings in the public interest, that it is an 'adequate mouthpiece' for the group it represents.[9] The following is important in this regard.

4.7 In these proceedings, The Firewall is acting in pursuit of a public-interest objective. The representation of the interests of the individuals on whose behalf it is acting in these proceedings falls within the statutory description of The Firewall's objectives (exhibit 3).[10]

4.8 The Firewall is regularly featured in the media in connection with the protection of the democratic rule of law and carries out demonstrable activities in this context.[11] In addition to its

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[6] See Supreme Court 26 February 2010, ECLI:NL:HR:2010:BK5756 *(Baas in eigen Huis v. Plazacasa*), para. 4.2.

[7] Supreme Court 26 February 2010, ECLI:NL:HR:2010:BK5756 (*Baas in Eigen Huis/Plazacasa*), para. 4.2; Amsterdam District Court 10 January 2024, ECLI:NL:RBAMS:2024:83 (TikTok), para. 2.39.

[8] As further explained in Chapter 7.

[9] Amsterdam District Court, 7 June 2023, ECLI:NL:RBAMS:2023:3499, para. 4.17; District Court of Midden-Nederland, 17 July 2024, ECLI:NL:RBMNE:2024:4106, para. 4.21; District Court of The Hague, 25 September 2024, ECLI:NL:RBDHA:2024:14834, para. 3.11.

[10] Amsterdam District Court, 17 July 2024, ECLI:NL:RBAMS:2024:4255, para. 5.7.1; The Hague District Court, 25 September 2024, ECLI:NL:RBDHA:2024:14834, para. 3.11.1.

[11] District Court of Amsterdam, 7 June 2023, ECLI:NL:RBAMS:2023:3499, para. 4.17; Court of Appeal of The Hague, 19 March 2024, ECLI:NL:GHDHA:2024:363, para. 6.8; District Court of Midden-Nederland, 17 July 2024, ECLI:NL:RBMNE:2024:4106, para. 4.21; District Court of Amsterdam, 17 July 2024, ECLI:NL:RBAMS:2024:4255, para. 5.7.4.

13,636 donors, The Firewall also receives donations from reputable civil society organisations such as the Democracy and Media Foundation and the SIDN Fund. The Firewall is actively working to bring this proceedings to the attention of stakeholders. For instance, through its campaign, it is gathering expressions of support from its supporters.[12] Furthermore, in the proceedings against the takeover of Solvinity by Kyndryl, The Firewall has been recognised as a public interest organisation and a stakeholder by both the judge hearing the application for interim relief and the Ministry of Economic Affairs.[13] For this reason alone, The Firewall must be regarded as sufficiently representative.

4.9 The claimants have joined forces in these proceedings and are acting jointly in this case.[14] This means that the claimants do not each need to meet the representativeness requirement individually, but that what matters is whether, collectively, they are sufficiently representative of their constituents.[15]

4.10 The legislature has emphasised that, in the case of more idealistic interests, it is irrelevant that not every member of society attaches equal value to these interests, and that it is even possible that the interests which the proceedings seek to uphold may conflict with the ideas and views of other groups in society.[16] This has also been confirmed by the District Court and the Amsterdam Court of Appeal.[17]

4.11 Based on the above, The Firewall is an effective voice for its supporters. The Firewall does not pursue any commercial objectives. No financier is involved in these proceedings. The board of The Firewall acts as the employer and oversees The Firewall's financial policy. A list of the board members is available at exhibit 14. The board members receive no remuneration for their work. Furthermore, these proceedings are conducted solely in the public interest. The Firewall has also complied with the consultation requirement.

4.12 All claims are, at their core, related to safeguarding the Dutch democratic society from the harmful power and influence of Big Tech and are intended to promote the interests and protect the fundamental rights of Dutch residents. This constitutes a sufficiently close connection with the Dutch legal sphere.

4.13 The Firewall and the underlying summons therefore meet the requirements, meaning that The Firewall's claims are admissible.

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[12] See, for example, Supreme Court 17 July 2026, ECLI:NL:HR:2026:1198, para. 3.3.6; District Court of Amsterdam 7 June 2023, ECLI:NL:RBAMS:2023:3499, para. 4.17; District Court of The Hague, 15 November 2023, ECLI:NL:RBDHA:2023:17145, para. 5.18; Court of Appeal of Amsterdam, 18 June 2024, ECLI:NL:GHAMS:2024:1651, para. 4.21; District Court of Midden-Nederland, 17 July 2024, ECLI:NL:RBMNE:2024:4106, para. 4.21.

[13] Amsterdam District Court, 17 July 2024, ECLI:NL:RBAMS:2024:4255, para. 5.7.5; Midden-Nederland District Court, 17 July 2024, ECLI:NL:RBMNE:2024:4106, para. 4.21; The Hague District Court, 25 September 2024, ECLI:NL:RBDHA:2024:14834, para. 3.11.1.

[14] The claimants represent different sub-interests, but in these proceedings they have a single constituency with similar and overlapping interests.

[15] District Court of The Hague, 12 March 2025, ECLI:NL:RBDHA:2025:3488; District Court of Midden-Nederland, 17 July 2024, ECLI:NL:RBMNE:2024:4106 .

[16] *Parliamentary Papers II* 1991/92, 2248, no. 3. See also: Court of Appeal, The Hague, 25 April 2023, ECLI:NL:GHDHA:2023:736, para. 5.18; District Court of The Hague, 28 April 2023, ECLI:NL:RBDHA:2023:6047, para. 5.6; District Court of The Hague, 25 September 2024, ECLI:NL:RBDHA:2024:14834, paras. 3.11.1–3.11.4.

[17] Amsterdam District Court, 7 June 2023, ECLI:NL:RBAMS:2023:3499, para. 4.17; Amsterdam District Court, 17 July 2024, ECLI:NL:RBAMS:2024:4255, para. 5.7.3–5.7.6; Amsterdam Court of Appeal, 16 June 2026, ECLI:NL:GHAMS:2026:1612, para. 5.26.

5. FACTS

The Meta glasses

5.1 Meta glasses look like normal glasses. In reality, the glasses contain hidden technology for making video and audio recordings. This is also how Meta advertises the glasses (exhibit 15): *'Smart glasses look like normal glasses, but are discreetly equipped with technology. At first glance, these glasses resemble ordinary sunglasses or prescription glasses, but they contain small speakers, microphones, a lightweight camera or even a small display in your field of vision.'*

5.2 There are dozens of models on the market (exhibit 16). Meta offers glasses under its own brand. In addition, the well-known eyewear manufacturers Ray-Ban and Oakley each offer a range of glasses incorporating the same technology. All glasses will be collectively referred to as 'Meta glasses' in this procedure.

5.3 You can buy Meta glasses with standard lenses, sunglasses or prescription lenses. The prices of Meta glasses currently range from €309 to €629. By 2025, Ray-Ban and Oakley will have sold more than 7 million pairs of Meta glasses worldwide (exhibit 17). In the Netherlands, thousands of pairs of Meta glasses have been sold since their launch in September 2025. Sales are expected to reach 14 million pairs in 2026.[18]

Features

5.4 The following technical features are incorporated into the Meta glasses:
a. there is a camera on the front of the Meta glasses;
b. there is a microphone inside the Meta glasses;
c. there are speakers on the inside of both arms;
d. there are control buttons on the top and inside of the right arm.

5.5 It is possible to connect the Meta glasses to the Meta AI app via Wi-Fi and Bluetooth. This enables the Meta glasses to be used for listening to music, making phone calls and sending messages. It is also possible to ask questions of Meta's AI assistant via the microphone using the wake words *'Hey Meta*'. The AI assistant responds via the built-in speakers.

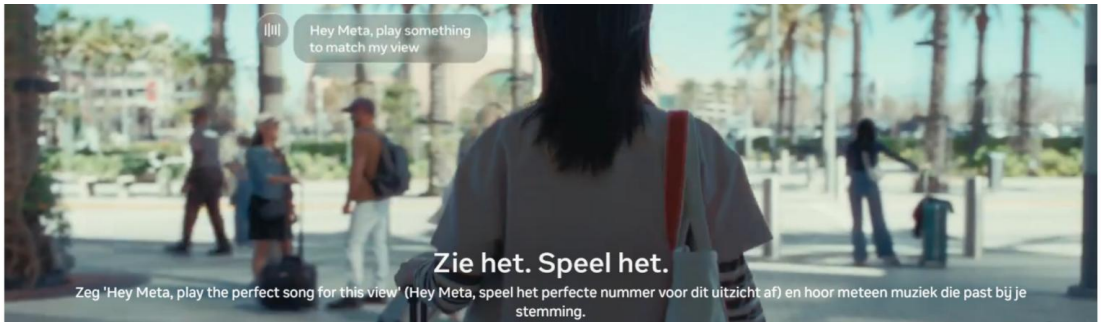
5.6 The social and legal issues raised in these interim proceedings relate to the hidden camera in the Meta glasses. The hidden camera offers the following functions:
a. Taking photos and videos discreetly. Although a small white light on the front of the Meta glasses does flash, it is not clearly visible and can easily be covered up (as will be explained in more detail in this summons);
b. Footage can be shared via Meta's social media platforms at the touch of a button using the

[18] https://www.ad.nl/tech/nederlandse-vrouwen-achtervolgd-en-lastiggevallen-op-stranden-en-stations-ai-bril-uit-verkoop-of-verboden~a7372e73/.

Meta AI app;

c. You can ask the AI assistant questions about what the camera is capturing, for example: *'Tell me what I'm seeing right* now', or *'Read out the text I'm looking* at', or *'What time does the shop I'm standing in front of open?*'). No light flashes when this feature is in use.

5.7 Meta promotes this last feature, for example by having Meta analyse the surroundings so that 'the perfect song' can be played.



Technical operation

5.8 The Meta glasses work exclusively in conjunction with the Meta AI app. The app can be downloaded free of charge from the app stores. The Meta AI app connects to Meta's servers. This requires an internet connection. The following functions of the Meta glasses require an internet connection to Meta's servers:

a. asking questions of the Meta AI assistant;
b. importing photos and videos from the Meta glasses to the Meta AI app; and
c. sharing photos and videos via the Meta AI app (with Facebook, Instagram, WhatsApp, etc.)

5.9 Meta therefore receives recordings made with the Meta glasses via the following route:

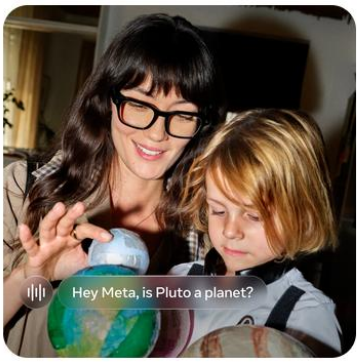
a. the Meta glasses capture footage (either because the user starts a recording, or because the user asks Meta a question about what is visible);
b. the recordings are sent via Bluetooth to the Meta AI app on the user's phone;
c. the Meta AI app forwards the recordings to Meta via an internet connection.

5.10 Photos and videos can be shared very easily via social media. The user clicks the 'Share' button in the Meta AI app and is then given the option to share via WhatsApp, Messenger, Instagram, Threads, Facebook, Telegram and Snapchat. It is also possible to live-stream directly via Facebook and Instagram (exhibit 18). The operation of the Meta glasses and their interaction with the Meta AI app are described in more detail in the technical report by PSG Recherche, which is submitted as exhibit 19 in the proceedings.

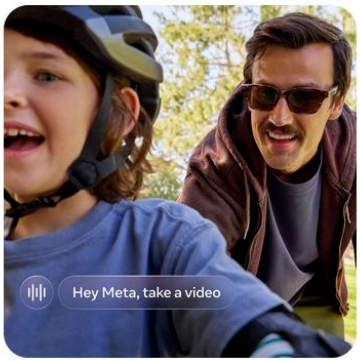
Meta's advertising

5.11 Meta promotes the Meta glasses as if they were *'designed for privacy*':

5.12 It is exactly the opposite. The Meta glasses are designed to *infringe on privacy*. Furthermore, Meta promotes the recording of children:



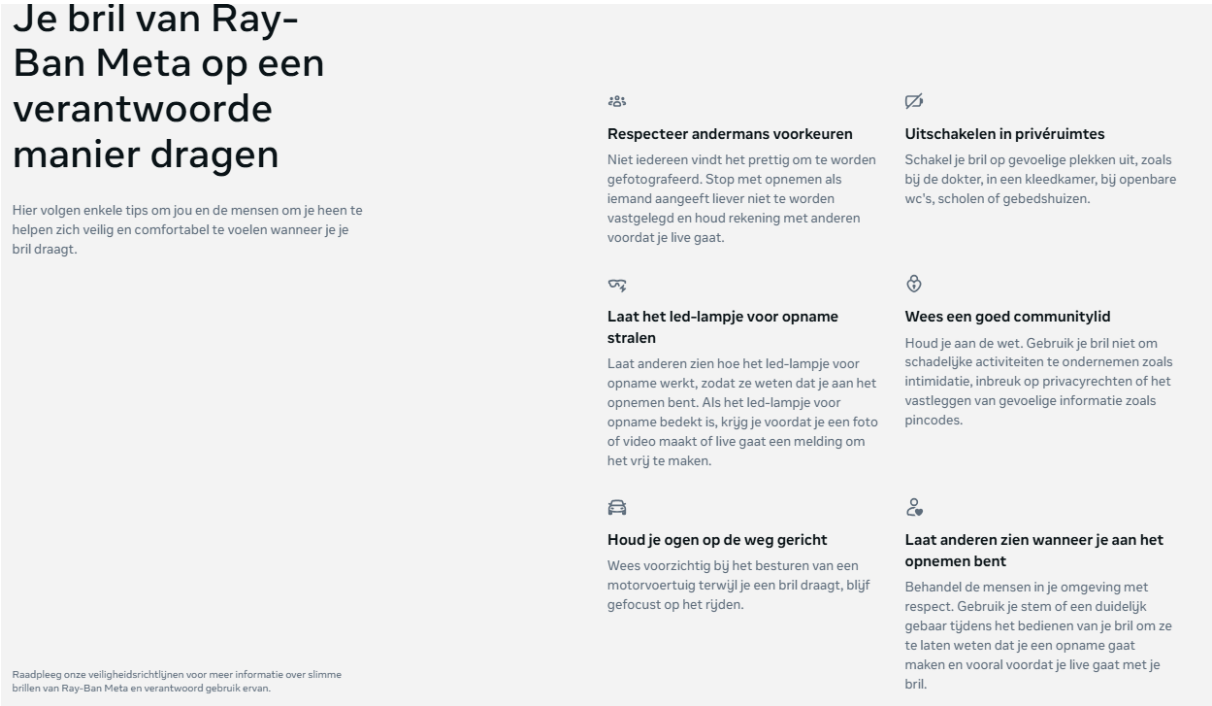
Zie het. Vraag het. Weet het.



Film de beste momenten, handsfree

A deliberate design choice: a hidden camera

5.13 Meta has designed the Meta glasses so that you can discreetly film and photograph others with them. Paradoxically, Meta believes that users should not use the glasses for this purpose. Meta provides the following 'tips' to its users:



5.14 Meta therefore does not consider it 'responsible' to take photographs without first demonstrating how the LED light works, in order to make it clear that you are filming. Nor is it responsible to use the glasses in sensitive areas, such as a changing room or toilet. It's a topsy-turvy world. Meta itself has chosen to equip the glasses with a hidden camera. Furthermore, the glasses are *specifically* designed to be worn all day long. Meta even encourages this:

Meta processes personal data on a large scale without consent

5.15 Meta processes personal data of anyone who appears in footage recorded with the Meta glasses. This can be inferred from the functionalities of the Meta glasses and Meta's privacy policy. Meta's privacy policy is spread across a considerable number of documents, including:

a. Meta's Privacy Policy (exhibit 20);
b. Voice Control Privacy Statement (exhibit 21);
c. Meta Platforms Technologies Supplementary Privacy Policy (exhibit 22);
d. the web page 'How Meta uses data for generative AI models and features' (exhibit 23); and
e. the web page 'Privacy, built into every pair of glasses' (exhibit 24).

5.16 The privacy policy is difficult to read due to the large number of documents and the very vague wording. Nevertheless, certain details can be inferred from Meta's policy. Meta states that it collects and processes data, including photos, videos and audio recordings made using the Meta glasses and all interactions with the Meta AI app (exhibit 22): *'Photo, video and/or audio data: You can use the AI glasses to take photos and record videos with audio (collectively 'Media'). This Media is stored on your AI glasses until the content is uploaded to your App. We collect your Media when you enable cloud processing on your App, interact with the Meta AI service on your AI glasses (such as when you ask the Meta AI service questions about what you see or send Media to the Meta AI service) or upload your Media to certain Meta services (e.g. Facebook or Instagram). You can change your preferences regarding the cloud processing of your Media at any time in Settings.'*

5.17 In practice, a user can only view the visual content if it has been imported into the Meta AI app (exhibit 25)

5.18 In 2025, Meta publicly announced that it trains its AI models using users' interactions with Meta's AI (exhibit 26).

5.19 Meta processes special categories of personal data from third parties, including minors. Meta does this to train its AI systems (exhibit 23): *'As a large amount of data is required to train effective models, a combination of sources is used for this purpose, including the following: (…) Your interactions with features that form part of Meta's AI. Depending on the content, this may include data relating to sensitive topics concerning others or yourself (for example, if you post a public message about something that is sensitive to you, such as your contact details). We use this content to develop and improve AI at Meta , so that our models can learn about sensitive topics without censorship or discrimination. (…)*

Even if you do not use our products or do not have an account, we may still process information about you to develop and improve AI at Meta. This can happen, for example, if you appear in an image shared on our products by someone who does use them, or if someone mentions information about you in posts or captions that they share on our products. This may include information about people under the age of 18.'

5.20 What 'training AI models' actually entails in practice is unknown. Personal data disappears into

a *black box*, where there are no privacy safeguards whatsoever. Even those who do not use Meta's services themselves end up in Meta's systems against their will.

5.21 Meta employs manual reviewers for data processing. Reviewers, for example, view videos, photos and audio messages to ensure the 'safety' of Meta's smart glasses and to assess whether Meta AI is functioning correctly (exhibit 27): *'We also use human review to analyse content so that we can train our algorithms to assess content in the same way a person would. This improves our automated processing, which in turn helps us to improve our products. Our reviewers work at Meta, for Meta companies or for a trusted service provider. We require every reviewer who has access to your data to comply with privacy and security standards.'*

5.22 Meta does not make it entirely clear who the reviewers are, when reviewers are shown content, or how reviewers assess content.

Meta offers no protection against privacy breaches

5.23 As a 'safeguard' for others' privacy, Meta has built a small white LED light into the front of the Meta glasses that flashes when a recording is being made. However, this alone does not offer protection against the far-reaching privacy risks.

5.24 Firstly, people do not expect a hidden camera in a pair of glasses. The camera is concealed in a small circle on the left-hand side. On glasses, this is often where a decorative element is located. The 'standard' Ray-Ban Wayfarer (left) and the Ray-Ban Wayfarer Meta glasses (right) are almost indistinguishable from one another:

5.25 Secondly, the LED light is not clearly visible when switched on. For example, in sunlight and when viewed from the side, the light is barely visible. This follows from investigations by the German supervisory authority, the Hamburg Commissioner for Data Protection and Freedom of Information ('Hamburg Commissioner') (exhibit 28), the Dutch Consumers' Association (exhibit 29) and the CNIL, the French data protection authority (exhibit 30).

5.26 Thirdly, the LED light can easily be covered, making it invisible to anyone. For example, dozens of products are available on Amazon and Bol.com that can be used to cover the LED light (exhibit 31).

5.27 Fourthly, the LED light does not flash at all when the Meta glasses are recording following a command such as *'Hey Meta, tell me what I'm seeing*'.

5.28 Meta is aware that the LED light can easily be bypassed. Various techniques for switching off the LED light are discussed online, including on Facebook and Instagram. Furthermore, on 6 July 2026, Meta publicly announced that the camera function of the Meta glasses would no longer work if a user tampered with the LED light (exhibit 32). In practice, this is not the case, as shown by the technical report from PSG Recherche (exhibit 19) and the investigation by the Consumentenbond (exhibit 29).

5.29 Another 'measure' is that Meta (according to its own statements) sometimes *blurs* the faces of

people appearing in footage when questions are put to the AI assistant. There is no way whatsoever to verify this. Furthermore, it follows from the PSG Recherche report that the AI assistant was capable of identifying individuals (exhibit 19 , see paragraph 7.4.5 and Annex IV). Even if Meta were actually *to blur* faces, this offers no protection. Simply removing a face does not mean that a person is no longer recognisable in the image. This is also the conclusion of the Hamburg Commissioner (exhibit 28): *'it is irrelevant whether faces are masked before transmission to Meta AI and how reliably this works.56 The personal reference in images or prompts is not eliminated merely by omitting the name or masking the face. Even if such measures are successful, other characteristics may still allow for identification. (…) Even without image capture, the processing of third parties' personal data may occur, for example, when the user speaks to Meta AI about a specific, identifiable person.'*

Facial recognition is on the way

5.30 Meta wants to make the Meta glasses even less privacy-friendly. Meta is planning to add facial recognition technology to the Meta glasses . This is evident from an internal memo from Meta. This memo was leaked in early 2026 and obtained by *The New York Times* (exhibit 33): *'Meta is said to want to add facial recognition technology to better compete with other smart glasses and to make the built-in AI assistant "more useful". The tech giant has reportedly been considering enabling face detection for years, but has so far refrained from doing so due to technical issues and ethical concerns. In an internal memo quoted by The New York Times, Meta states that the current 'political unrest' is a good time to launch such a controversial feature.''*

5.31 It also follows from the Hamburg Commissioner's report that Meta has taken steps to implement facial recognition in the Meta glasses (exhibit 28, paragraph 9). This is also evident from research by Wired.[19] In the US, 75 American human rights organisations have urged Zuckerberg not to add facial recognition to the Meta glasses.[20] US senators have also called on Meta to refrain from doing so (exhibit 34). Nevertheless, Meta has since filed a patent application in the US for a facial recognition feature in AI glasses (exhibit 35).

5.32 Even if Meta does not add the feature itself, the Meta glasses can already be very easily linked to facial recognition technology. Two American students linked the Meta glasses to well-known websites that offer this type of technology for free. This is also possible in the Netherlands. A journalist was thus able to identify all sorts of people on the street:[21]

More *smart glasses* are on the way

5.33 The Meta glasses are just the beginning. Other Big Tech companies have also announced glasses with hidden cameras. Google has announced that it will launch its *'Intelligent* eyewear' in the autumn of 2026, in collaboration with Samsung and Qualcomm, amongst others.[22] Snap Inc., the

[19] https://www.wired.com/story/meta-smart-glasses-face-recognition-nametag-connections/ .
[20] Dozens of organisations warn Meta that facial recognition in AI glasses helps stalkers | de Volkskrant.
[21] https://eva.avrotros.nl/artikel/alexander-klopping-gaat-straat-op-met-slimme-bril-ik-schrok-toen-hij-mijn-naam-noemde-240.
[22] https://blog.google/products-and-platforms/platforms/android/android-xr-io-2026/

company behind Snapchat – a platform widely used by young people – has also announced its own glasses, due to be released in 2026 under the name SPECS.[23] In addition, Apple is currently developing *smart glasses*.[24]

6. CONTROVERSIES, INCIDENTS AND ACTIONS BY REGULATORS

6.1 There is a huge outcry worldwide over the Meta glasses. It is not hard to imagine the kinds of places where secret recordings might be made using the Meta glasses if no protection is provided against this. Think of exam halls, changing rooms, swimming pools, sports clubs, saunas, sex clubs, hotel rooms, hospitals, toilets, at a gymnastics competition or a ballet performance involving young children, in the nappy-changing area of a nursery, in a courtroom during a case heard behind closed doors, in a church's prayer room or in the confessional. There have been repeated reports in the news about incidents involving the Meta glasses. A few examples are highlighted below.

6.2 In late February 2026, the Swedish daily newspapers *Svenska Dagbladet* and *Göteborgs-Posten* reported that Meta has the footage captured by the Meta glasses processed by a company in Kenya (exhibit 36). This company was commissioned by Meta to train Meta's AI system: *'The company they work for is called Sama and is a subcontractor to Meta. Here in Kenya's capital, thousands of people train AI systems, teaching them to recognise and interpret the world.'* (…) *'In some videos you can see someone going to the toilet, or getting undressed. I don't think they realise, because if they did, they wouldn't be recording.' (…) 'The workers in Kenya say that going to work makes them feel uncomfortable. They tell us about deeply private video clips, which appear to come straight from Western homes, from people who use the smart glasses in their everyday lives.' (…) 'We see everything – from living rooms to naked bodies. Meta has that sort of content in its databases. People can record themselves inappropriately without even realising what they are recording.' 'There are also sex scenes filmed with the smart glasses – someone is wearing them whilst having sex. That is why this is such an extremely sensitive issue.'* In the investigation, a former Meta employee explains that faces in the footage are *blurred*. According to employees at the Kenyan company, this is not always the case.

6.3 Privacy watchdogs have levelled serious criticism following this incident. For instance, Vincent Böhre, director of Privacy First, said:[25] *'You shouldn't want this in a free democratic society. (…) You're creating a surveillance society, in which everyone is constantly spying on one another via a camera. (…) It's unthinkable that paedophiles might put on such glasses to film children at the playground. Burglars could also make good use of the glasses. They could walk around neighbourhoods with them to record video footage of houses they intend to break into.'*

6.4 On 19 August 2026, De Telegraaf reported on hundreds of recordings made with Meta glasses that had been shared in a private Telegram group (exhibit 37): *'This concerns the encrypted group called "Hard genieten", with more than 32,000 members. De Telegraaf monitored this group for several weeks and saw a huge number of videos featuring at least hundreds of different women in the Netherlands being shared. (…) The footage shared was mainly posted by the group administrator. 'Filmed with my Meta camera glasses,' they wrote proudly. On 7 and 8 August alone, this account shared dozens of videos of all sorts of different women walking around in bikinis on Zandvoort beach. "Enjoy this lovely boob fest!", read the accompanying caption. In the days that followed, other members commented on this material with footage they had taken*

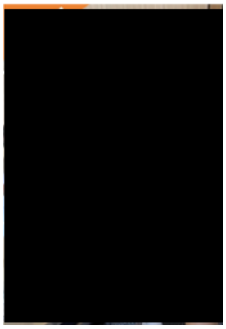
[23] https://newsroom.snap.com/introducing-specs-augmented-reality-glasses
[24] https://www.bright.nl/nieuws/2095286/apple-stelt-slimme-ai-bril-uit-tot-eind-2027.html.
[25] https://www.ad.nl/tech/privacyclubs-kraken-camerabrillen-meta-iedereen-kan-elkaar-bespieden~a7d14255/.

themselves. Such as of women walking through Albert Heijn branches in tight skirts or yoga leggings. Telegram isn't the only platform. Footage captured using camera glasses is also circulating widely on TikTok and Instagram. Why aren't platforms taking stricter action against this? A spokesperson for TikTok says they believe that 'the responsibility lies with the manufacturer of the glasses when it comes to privacy and consent'.

6.5 More and more organisations and companies are taking action themselves. Wehkamp and Hans Anders have immediately removed the Meta glasses from their product ranges. Saunas have blacklisted camera glasses.[26] Music venues and the Groningen cultural sector have also banned the glasses.

6.6 There are many examples online of footage that appears to have been filmed without the knowledge of the woman or women in the footage. This sort of footage often goes viral online. For example, a woman was followed and filmed. It was posted online with the description *'Amsterdam booty*'. It received 7,498 'likes' and the video was shared 1,619 times (exhibit 38).

6.7 Websites als [xxx] of [xxx] staan vol met '*creepshots'*, ook van Nederlandse slachtoffers die niet in de gaten hadden dat ze werden gefotografeerd, bijvoorbeeld (productie 39):



6.8 And for many victims, it is not clear from the images themselves *in which country* they were taken. It could therefore also have been in the Netherlands.

6.9 The BBC reported on a man who used *smart glasses* to film a woman he met on the beach. He asked her her name, where she was from and if he could have her phone number. She told him she had a boyfriend and wasn't interested. He posted the video on social media, where it was viewed a million times and received hundreds of comments, many of which were derogatory and of a sexual nature (exhibit 40). In Brazil, a gynaecologist was arrested for filming a patient whilst examining her.[27]

6.10 Meta is aware that Meta glasses are being used to create abusive footage and that this is being circulated online. At the end of July 2026, Instagram's CEO announced measures to tackle this (exhibit 41). In mid-August, a Meta spokesperson reported that the company had removed thousands of videos and suspended a number of major accounts (exhibit 42).

Regulators are taking action worldwide

6.11 The European Parliament has asked the European Commission what specific action is being

[26] https://www.ad.nl/tech/nederlandse-vrouwen-achtervolgd-en-lastiggevallen-op-stranden-en-stations-ai-bril-uit-verkoop-of-verboden~a7372e73/.
[27] https://fd.nl/opinie/1610423/een-slimme-bril-voor-engerds

taken to ensure that Meta complies with the GDPR. The Commission replied that it is up to the national supervisory authorities to investigate this (exhibit 43).

6.12 Various supervisory authorities have taken action:

a. The Irish GDPR supervisory authority (Data Protection Commission (DPC)) is the supervisory authority within the EU primarily responsible for overseeing Meta. The DPC has indicated that it will enter into discussions with Meta regarding the transfer of personal data to a company in Kenya;[28]
b. The UK data protection and privacy regulator, the Information Commissioner's Office ('ICO'), has asked Meta for further information regarding data processing in connection with the Meta glasses;
c. In May 2026, the French data protection authority, the CNIL, announced a major investigation into *smart glasses* (exhibit 30). The CNIL drafted a paper for the G7 round-table discussion on *smart glasses,* which it chaired (exhibit 44), and the final statement from that meeting explicitly highlighted concerns regarding *smart glasses* (exhibit 45).
d. On 22 September 2026, the Dutch Data Protection Authority issued a press release warning users of camera glasses that *'filming others is almost always prohibited'* (exhibit 46).
e. Investigations into Meta glasses have also been announced outside Europe, including in Kenya,[29] Australia[30] and Texas.[31]
f. In early October, Norway announced a temporary ban on *smart glasses* in public places.[32] During this temporary ban, the Norwegian government is conducting further research into the glasses. In Germany, *Hate Aid* has filed a criminal complaint against Meta. In Germany, it is prohibited to place on the market recording devices disguised as everyday objects [33]

6.13 At the end of June, the CNIL warned of the significant risk of constant surveillance (exhibit 30). The EDPB is also highly critical of smart glasses and highlights their societal impact (exhibit 47). It follows from its *Statement on smart glasses* that smart glasses can very quickly lead to a breach of the GDPR. This is telling: the EDPB is responsible for the consistent application of the GDPR across Europe. It comprises representatives of national supervisory authorities and the EDPS and therefore wields considerable authority in Europe.

7. A THREAT TO DEMOCRATIC SOCIETY

7.1 As well as constituting a major breach of privacy, Meta glasses pose a threat to the democratic rule of law. This is because Meta glasses undermine the conditions under which citizens can exercise their fundamental rights in public spaces. Meta glasses can be seen as a further step towards the normalisation of surveillance by large technology companies. Although cameras in public spaces are nothing new, Meta glasses are distinct in that the data is shared directly with a private party. Furthermore, the technology is concealed within an everyday consumer item. This is also how Meta markets the glasses (exhibit 15).

7.2 Camera surveillance in public spaces has so far been manageable because it had three characteristics. It was localised, so that citizens knew where they were being observed. It was

[28] https://www.euractiv.com/news/meps-quiz-commission-on-privacy-concerns-of-metas-smart-glasses/ '
[29] https://allafrica.com/stories/202604010130.html
[30] https://ministers.ag.gov.au/media-centre/albanese-government-raises-privacy-concerns-over-smart-glasses-07-08-2026
[31] https://www.biometricupdate.com/202605/texas-ag-opens-investigation-into-meta-glasses-over-privacy-biometric-concerns
[32] https://www.regjeringen.no/no/aktuelt/vil-innfore-midlertidig-forbud-mot-ki-briller/id3175516/ .
[33] https://hateaid.org/en/criminal-complaint-against-meta-over-smart-glasses/ .

signalled, so that they knew they were being observed. And it was accountable, so that it was clear who they should turn to. The Meta glasses breach all three of these conditions simultaneously.

7.3 The CNIL also highlights the significant risk of constant surveillance (exhibit 30):

' A high risk of constant surveillance

The rise of smart glasses could give rise to a significant risk of widespread surveillance and its trivialisation: any person could potentially be equipped with a camera in all public (streets, shops, beaches, etc.) and private (home, workplaces, etc.) spaces. The relatively low cost of these devices could lead to a saturation of public spaces with sensors. This shift from fixed, regulated and supervised surveillance (the 'video surveillance' we are all familiar with and able to recognise) to mobile surveillance, which is almost invisible and ubiquitous, could lead to a profound transformation of our societies.

In the long run, anyone could thus constantly worry that their every move and interaction might be recorded, creating a sense of being constantly observed or even monitored, and gradually leading to a form of permanent self-censorship. This would directly threaten the exercise of individual freedoms (freedom of expression, assembly and demonstration). Moreover, the possible use of these devices in places where a high degree of privacy is expected (doctors' surgeries, changing rooms, toilets) raises new ethical and legal issues. The emergence of these technologies in any private space where respect for privacy is the norm could have significant consequences for social interactions between citizens, or even lead to abuses.'

Chilling effect

7.4 The constant risk of being filmed anywhere creates what is known as *a 'chilling effect*': the mere possibility of being observed is enough to change people's behaviour, regardless of whether they are actually being observed. It has been scientifically proven that people adjust their behaviour at the mere possibility of being observed.[34] Research into state surveillance shows that monitoring and intimidation lead to self-censorship. Individuals under surveillance tone down their public statements to avoid prosecution or sanctions.[35] It is precisely the uncertainty associated with surveillance that appears to trigger a spiral of paranoia and mistrust.[36]

7.5 Activists report that they have stopped organising large demonstrations due to the risk of surveillance.[37] In 2024, the NGO Rest of World published a report on the use of facial recognition technology at protests in Russia, India and Iran. This shows that people alter their behaviour as soon as they think they might be recognised, even if the technical capability is uncertain or exaggerated. [38]

7.6 The impact of a *chilling effect* on democracy is also widely recognised in European and Dutch

[34] J. Penney, *'Chilling Effects: Online Surveillance and Wikipedia* Use', *Berkeley Technology Law Journal* 2016/1, issue 31. Penney investigated how traffic to privacy-sensitive Wikipedia articles changed following the revelations about NSA surveillance in June 2013. He found a decline of approximately thirty per cent.
[35] D. Murray et al., *'Chilling Effects of Surveillance and Human* Rights', *Journal of Human Rights Practice* 2024/1, vol. 16, p. 403.
[36] Ibid., p. 406.
[37] Ibid., p. 407.
[38] D. Loucaides, *'2024 Impact* Report', restofworld.org , 27 March 2024.

case law.[39] For instance, in *Digital Rights Ireland,* the Court of Justice of the European Union held that the retention of data could give data subjects the impression that their private lives are subject to constant surveillance.[40]

The right to demonstrate, freedom of expression and freedom of religion

7.7 Meta glasses, in particular, pose a threat to the right of assembly and association and to freedom of expression, as protected by Articles 7 and 9 of the Constitution, Articles 10 and 11 of the ECHR and Articles 11 and 12 of the EU Charter.

7.8 The European Court of Human Rights has ruled that the use of 'highly intrusive' facial recognition technology to identify a participant in a peaceful demonstration can have a *chilling effect* on the rights to freedom of expression and assembly.[41] Research into the use of facial recognition at demonstrations shows that the mere awareness that participants can be identified may discourage people from taking part in a demonstration, for fear of social, professional or legal consequences.[42]

7.9 UN Special Rapporteur Gina Romero has compiled a global study on the impact of digital surveillance, which highlights the *chilling effect* on freedom of assembly and association.[43] The UN Human Rights Committee also emphasises the importance of anonymity for the right to freedom of association.[44]

7.10 Meta's smart glasses shift the risk of surveillance from the state to a commercial company and fellow citizens. Although, in principle, there is no question of state intervention in a company such as Meta (apart from requests for access to data by the US government),[45] these consequences are comparable.

7.11 A protester no longer needs only to be wary of police cameras, but also of the possibility that any bystander, or even a counter-protester, might be filming them unnoticed and potentially identifying them. That identification is not merely a future scenario is explained in section5.30 et seq.: Meta possesses facial recognition technology. According to its memo, Meta regarded the current political unrest as a favourable moment for the launch (exhibit 33).

7.12 The Meta glasses also impinge upon freedom of religion under Article 9 of the ECHR and Article 10 of the EU Charter. Anyone entering a place of worship, a trade union meeting or a political gathering thereby reveals, in a public space, a belief that is protected as a special category of personal data. This has the most severe impact on those who visibly display their beliefs, and thus precisely the minorities for whom these provisions were written.

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[39] See, for example, ECtHR 7 December 2021, 39378/15 (*Standard Verlagsgesellschaft mbH v. Austria*), para. 74; CJEU 21 December 2016, joined cases C-203/15 and C-698/15, ECLI:EU:C:2016:970 (*Tele2 Sverige AB and Watson et al.*), para. 99; District Court of The Hague, 5 February 2020, ECLI:NL:RBDHA:2020:865, para. 6.5; District Court of The Hague, 22 April 2025, ECLI:NL:RBDHA:2025:7126, para. 10.2 and District Court of The Hague, 13 January 2023, ECLI:NL:RBDHA:2023:174.

[40] CJEU 8 April 2014, joined cases C-293/12 and C-594/12, ECLI:EU:C:2014:238, para. 37.

[41] ECHR 4 July 2023, No. 11519/20 (*Glukhin v. Russia*).

[42] See, for example: G. Gabrielli, *'The Use of Facial Recognition Technologies in the Context of Peaceful Protest: The Risk of Mass Surveillance Practices and the Implications for the Protection of Human* Rights', European Journal of Risk Regulation 2025/16, issue 2, pp. 514–541.

[43] G. Romero, P. Fussey & D. Murray, *'Pushed into the Shadows': Evidencing Digital Surveillance Chilling Effects and the Erosion of the Rights to Freedom of Assembly and of* Association', UN Doc. A/HRC/62/45, 2026, pp. 1–78.

[44] UN Human Rights Committee, *'General Comment No. 37 on the right to peaceful assembly (Article 21)'* (17 September 2020), UN Doc. CCPR/C/GC/37, pp. 10 and 39.

[45] This, too, is a real risk, particularly under the CLOUD Act and the FISA Act.

Concentration of power at Meta

7.13 The recorded footage does not remain with the wearer but is sent to Meta via the Meta AI app. Even footage captured without the indicator light flashing is sent to Meta, for example when the user asks what they are seeing. Meta acknowledges that people who have no connection to Meta or the Meta glasses also end up in that network (exhibit 23).

7.14 By 2025, more than 7 million Meta glasses will have been sold worldwide. That is not 7 million individual cameras, but a network of 7 million cameras, all of which feed into a single American company. The issue is not whether Meta will ultimately use that footage against anyone. The point is that Meta is capable of doing so. Anyone in possession of footage of millions of people who are unaware they are being filmed thereby has the means to engage in blackmail, coercion, discrimination and the selective targeting of those Meta finds disagreeable.[46] Meta does not need to do anything for this to happen: the harm lies in the possibility itself. And in the fact that no one can monitor whether that capability is being exploited.

7.15 If the Dutch government were to decide tomorrow to install facial-recognition cameras in every high street, it could not simply do so. A law would have to be passed for that. That law would have to be approved by the House of Representatives. There must be a purpose, a retention period, a supervisory body and a judge who can review it retrospectively. That entire system exists because a state that knows everything about everyone is dangerous. Meta does not need to go through this process. Meta simply needs to sell a pair of glasses. The result is the same: an extensive and invisible network of cameras in public spaces. None of the safeguards we have devised for such a system apply here.

7.16 There is also the risk that a government could later request the data from the party that did build the system.[47] Anyone filmed today may still be in the database in ten years' time. A government that we do not yet know of could gain or force access to this data. US senators therefore asked Meta about this in March 2026 (exhibit 34). There is also a risk that hackers could gain access to the image database. Given the recent data breaches at Meta, this is not an unthinkable scenario.[48] The danger is also that no one can hold Meta to account afterwards. Anyone filmed whilst wearing Meta glasses will appear on camera and in the Meta cloud.

It is still possible to intervene

7.17 The Meta glasses do not merely result in a series of privacy breaches. They undermine the very foundations of our democratic constitutional state: a public space where you can demonstrate, speak to a journalist and walk to a place of worship without a random passer-by recording it and forwarding it to an American company. Meta glasses threaten to normalise mass surveillance. And that is even without facial recognition. The fact that this feature is not yet active does not mean the danger has passed. It means it can still be stopped now, before it is too late.

8. LEGAL FRAMEWORK

8.1 The claimants base their claims on various grounds. In short, Meta is acting unlawfully within the meaning of Article 6:162 of the Dutch Civil Code by – amongst other things – infringing the

[46] N. Richards, *'The Dangers of* Surveillance', Harvard Law Review 2013/126, p. 1934. Consider also the well-known 'shadowban'.

[47] This, too, is a real risk, particularly under the CLOUD Act and FISA Section 702.

[48] See, for example, https://tweakers.net/nieuws/248846/meta-hackers-konden-tienduizenden-instagram-accounts-overnemen-met-meta-ai.html?referrer=https%3A%2F%2Fwww.google.com%2F.

fundamental right to respect for private life and the protection of personal data (Article 8 of the ECHR and Articles 7 and 8 of the EU Charter), the GDPR, the Digital Services Act ('DSA'), the Criminal Code ('Sr') and Article 21 of the Copyright Act.

Article 8 of the ECHR and Articles 7 and 8 of the EU Charter

8.2 Under Article 8 of the ECHR and Article 7 of the EU Charter, everyone has the right to respect for their private life. This also includes the right to privacy. Article 8 of the EU Charter specifically provides protection for personal data. These fundamental rights apply horizontally in the relationship between citizens and businesses via the duty of care set out in Article 6:162 of the Dutch Civil Code.[49] This is particularly relevant in cases of unequal power relations between citizens and businesses.[50] Meta is one of the most powerful companies in the world, which means that 'the need for protection against that power may be comparable to the need for protection against the power of public institutions.'[51]

User

8.3 A user infringes the right to privacy and data protection by filming another person with a hidden camera without consent.[52] Filming without consent is only permitted if there is an overriding interest. This may be a journalistic interest . A user generally does not have such an interest. This applies in particular when vulnerable persons, such as children, are filmed, or when sexual imagery is produced.

Meta

8.4 Meta itself infringes the right to privacy and data protection by processing footage of others – which has been recorded without consent using a hidden camera. Meta requires consent for this processing.

8.5 Furthermore, by offering the Meta glasses, Meta creates a *chilling effect* on the exercise of the right to privacy. Meta creates a constant fear of being filmed. The Meta glasses are designed to be worn anywhere and at any time of day. Consequently, anyone in the Netherlands runs the risk of being filmed wherever someone wearing Meta glasses is present. This is discussed in detail in Chapter 7. The *chilling effect* that Meta is causing in the Netherlands constitutes a violation of Article 8 of the ECHR.

8.6 Meta also gives rise to the risk of mass surveillance and its normalisation (see Chapter 7). Meta processes an enormous amount of footage recorded by the hidden camera in the Meta glasses. This footage will never be deleted.

8.7 The case law of the European Court of Human Rights (ECHR) and the Court of Justice of the European Union (CJEU) leaves little scope for surveillance and imposes very strict requirements in this regard.[53] Both of these highest European courts regard surveillance as a serious infringement of the right to privacy, which can only be reconciled with the system of

[49] See, for example, Court of Appeal, The Hague, 12 November 2024, ECLI:NL:GHDHA:2024:2099, (*Milieudefensie v Shell*).
[50] A.S. Hartkamp, Mr C. Assers, Handbook on the Practice of Dutch Civil Law. 6. Law of Obligations. Part III. General Contract Law, Deventer: Wolters Kluwer 2023, no. 226.
[51] Ibid.
[52] CJEU 18 December 2025, C-422/24 (*Bodycam)*, para. 41.
[53] The CJEU takes a strict stance on indiscriminate data retention obligations for telecoms providers and government access to data; see: CJEU (Grand Chamber) 21 December 2016, in joined cases C-203/15 and C-698/15 (*Tele2 v Watson* and Others); CJEU 8 April 2014, in joined cases C-293/12 and C-594/12 (*Digital Rights Ireland*).

fundamental rights protection if accompanied by very robust safeguards. A law permitting surveillance – such as the Intelligence and Security Services Act in the Netherlands – must contain sufficient safeguards against abuse and arbitrariness, for example by clearly stipulating how long information may be stored and which parties are granted access to it.[54] Non-targeted surveillance, such as bulk interception, is therefore not permitted.[55] Even without actual surveillance taking place, the mere threat of it can constitute a breach of fundamental rights.[56] It is clear that there is no legal basis for recordings made using the hidden camera in the Meta glasses, nor for Meta's processing of those recordings.

8.8 Furthermore, Meta is taking no measures whatsoever to protect children from privacy infringements. Children are vulnerable. They must be afforded extra protection against privacy infringements so that they can develop and integrate into democratic society.[57] Hidden cameras in everyday objects such as glasses directly undermine children's ability to develop freely. They can be filmed at any moment without their knowledge: in the school playground, during swimming lessons and at nursery.

8.9 *This* has no place in a democratic society. It is not without reason that the Council of Europe explicitly calls on member states to ensure that *smart devices* used in the vicinity of children comply with privacy legislation.[58]

8.10 Despite this, Meta has taken no measures whatsoever to protect children. Meta even encourages users to record footage of children, as can be seen in the section5.12 . This constitutes a serious violation of children's fundamental right to privacy and data protection.

Violation of other fundamental rights

8.11 Chapter 7 explains that Meta creates a *chilling effect* on other fundamental rights, such as freedom of expression, freedom of association and freedom of religion.[59] Citizens are discouraged from exercising their fundamental rights for fear of the possible consequences of being filmed by people wearing Meta glasses, and of those images ending up in Meta's systems. The Meta glasses threaten to create a society in which footage is collected on a massive scale using hidden cameras by an American company whose *business model* is *centred on* violating privacy, and *which* accepts fines as part and parcel of *its* operations. Meta is therefore also infringing fundamental rights as protected by Articles 9, 10 and 11 of the ECHR and Articles 10, 11 and 12 of the EU Charter. Here too, Meta has failed to take any measures to protect children. This is unlawful.

The GDPR

8.12 Meta is acting in breach of a large number of provisions of the GDPR. The Meta glasses and Meta's processing of personal data are entirely at odds with the *core principles* of the GDPR. This is also evident from the EDPB's recent *'Statement on smart glasses'* (exhibit 47). The most

[54] ECHR (Grand Chamber) 4 December 2008, applications nos. 3052/04 and 30566/04 (*S. and Marper v. the UK)*, para. 99.
[55] ECHR (Grand Chamber) 25 May 2021, applications nos. 58170/13, 62322/14 and 24960/15 *(Big Brother Watch and Others v. the UK*).
[56] ECHR 6 September 1978, application no. 5029/71 (*Klass and Others v. Germany*), para. 41.
[57] ECHR (Grand Chamber) 4 December 2008, application nos. 3052/04 and 30566/04 (*S. and Marper v. the UK)*, para. 124.
[58] *Council of Europe Guidelines on respecting, protecting and fulfilling the rights of the child in the digital environment*, para. 36.
[59] ECHR 4 July 2023, application no. 11519/20 (*Glukhin v. Russia*), para. 59. See also: District Court of The Hague 5 February 2020, ECLI:NL:RBDHA:2020:865, paras. 6.5–6.6.

significant breaches of the GDPR are explained below.

Breach of Article 5 of the GDPR: Meta is acting in breach of all the principles of the GDPR

8.13 Article 5 of the GDPR sets out the key principles that Meta must adhere to when processing personal data. The processing of personal data collected by Meta via the Meta glasses is flawed in every respect, insofar as no consent has been obtained from the people captured on camera, namely:

a. Meta's processing of data is not lawful, fair and transparent in relation to the data subject;
b. Meta's data processing does not comply with the principle of purpose limitation; the personal data is not collected for specific, explicitly defined and legitimate purposes;
c. Meta is acting in breach of the principles of data minimisation and storage limitation;
d. Meta has not implemented appropriate security measures;
e. Meta cannot demonstrate that it complies with all these principles of the GDPR.

Breach of Articles 6, 7, 8 and 9 of the GDPR: Meta has no valid legal basis

8.14 Meta's processing of personal data is not lawful. The GDPR imposes strict requirements on the processing of personal data.[60] Meta may only process personal data with consent or on the basis of a legitimate interest (Article 6 of the GDPR). When processing personal data of minors under the age of 16, consent is required from a parent or guardian (Article 8 of the GDPR). The processing of special categories of personal data requires explicit consent (Article 9 of the GDPR). This also applies to the transfer of personal data to 'manual assessors'. Individuals who are recorded by the Meta glasses without their knowledge have not given their consent (Article 7 of the GDPR). Meta processes their personal data without verifying their consent.[61] Meta has no legitimate interest in this far-reaching data processing, particularly not where special categories of personal data are concerned.[62]

8.15 It also follows from the EDPB's *Statement on smart glasses* that a valid legal basis is lacking (exhibit 47). The EDPB emphasises that providers of smart glasses themselves bear the responsibility for complying with the GDPR. They cannot make this dependent on the actions of users. Providers must therefore ensure themselves that they have consent or a legitimate reason for processing visual data (paragraphs 7 and 8). According to the EDPB, consent is often lacking when a smart glasses provider processes personal data of third parties. Furthermore, according to the EDPB, there is rarely a legitimate reason (paragraphs 29 and 30).

The domestic exception does not apply (Article 2(2)(a) of the GDPR)

8.16 The domestic exception under Article 2(2)(a) of the GDPR does not apply. Under this exception, the GDPR does not apply if footage is recorded for personal or domestic use (Article 2(2)(a) of the GDPR). It is therefore permissible in some cases to film third parties on public roads if the footage is used strictly for personal or domestic purposes. Footage recorded using Meta glasses is shared with Meta. Furthermore, Meta uses this footage for commercial purposes, including to train Meta AI. The exemption therefore does not apply. This also follows from paragraphs 13

[60] See EDPB Guidelines 3/2019, which set out specific requirements for personal data collected via *video devices*.
[61] Let alone that the strict requirements applicable to valid consent, as set out in EDPB Guidelines 05/2020, have been met: valid GDPR consent must be freely given, specific, informed and unambiguous, and must also be easily withdrawable.
[62] As set out in EDPB Guidelines 01/2024: the interest must be legitimate, specific and current; furthermore, the processing of personal data must be genuinely necessary, and the interests and fundamental rights of the data subject who has been recorded without consent must not take precedence.

and 14 of the EDPB's *Statement on Smart Glasses*.

Breach of Articles 12 to 14 of the GDPR: breach of the principle of transparency and the duty to provide information

8.17 Under Article 12(1) of the GDPR, Meta's data processing must be described in clear and plain language. This enables a data subject to verify whether the data processing complies with the GDPR. Meta's privacy policy is highly convoluted and unclear. Even for seasoned privacy lawyers, it is very difficult to make sense of the multitude of documents. Meta is acting in breach of Article 12(1) of the GDPR.

8.18 Furthermore, Meta does not inform individuals who have been recorded without their consent using Meta glasses about the processing of their personal data.[63]

8.19 The only measure Meta has put in place to inform third parties about the processing of visual data is the LED light that flashes when visual data is being captured. This is insufficient to meet the obligation to provide information. This follows from the EDPB's *Statement on Smart Glasses* (exhibit 47). The EDPB concludes that the current lights are insufficient to inform third parties that they are being photographed or filmed. Third parties are also unaware that this visual material is being shared with Meta (paragraphs 22–24). The Meta glasses are also indistinguishable from ordinary glasses. According to the EDPB, this too is in breach of the principle of transparency (paragraph 24).

Breach of Articles 15 to 18 and 21 of the GDPR: Meta does not provide any means to access, rectify, erase data, restrict processing or object

8.20 Individuals who have been recorded without their consent using Meta glasses have no means of exercising these GDPR rights. Meta does not provide for this.[64] This contravenes the GDPR. This also follows from the EDPB's *Statement on Smart Glasses* (exhibit 47, paragraph 30, last sentence).

Breach of Articles 25 and 32 of the GDPR: Meta is failing to implement appropriate security measures

8.21 Under Article 25 of the GDPR, Meta must take appropriate measures to protect the data subjects' privacy rights.[65] A small flashing white LED light is not an effective measure against privacy breaches, and Meta also collects and processes personal data even when that LED light is not flashing (as explained in this summons). This system does not comply with the GDPR principles of *'privacy by design'* and *'privacy by default*'. Furthermore, the measure whereby Meta allegedly *blurs* faces in footage recorded during interactions with the AI assistant is insufficient. Visual and audio material can still be traced back to an individual. Furthermore, it is impossible to verify when Meta *blurs* faces in the footage. Moreover, employees stated in the Swedish investigation that faces were not always *blurred*.

Breach of Article 35 of the GDPR: no data protection impact assessment

8.22 Meta has not carried out a data protection impact assessment, which is mandatory under the GDPR given that this clearly involves a new technology posing a high risk to the rights and

[63] See in this regard: CJEU 18 December 2025, C-422/24 (*Bodycam)*, para. 41.
[64] The right of access is set out in EDPB Guidelines 01/2022.
[65] As set out in EDPB Guidelines 4/2019.

freedoms of natural persons. This has led to large-scale privacy breaches.

Breach of Article 44 of the GDPR: unlawful transfer to Kenya (and other countries)

8.23 Meta has transferred personal data to Kenya. When transferring personal data to third countries, Meta must comply with the conditions set out in Chapter V of the GDPR (Article 44 et seq. of the GDPR). This means that Meta may only transfer personal data to (sub)processors in Kenya if there is an adequacy decision (Article 45 of the GDPR), or if Meta has implemented appropriate safeguards for the transfer (Article 46 of the GDPR).

8.24 There is no adequacy decision in place for data transfers to Kenya.[66] Meta may therefore only transfer data if Kenya offers a 'comparable level of data protection'.[67] Meta states that it uses *Standard Contractual Clauses* (Article 46 of the GDPR). In *Schrems II,* the Court of Justice of the European Union ruled that, in many cases, an SCC is not sufficient for the data controller. The data controller must take additional measures to effectively ensure a high level of protection.[68] It is unclear whether Meta takes such additional measures. Indeed, there is no evidence whatsoever that Meta transfers personal data to Kenya. This contravenes the GDPR.[69]

Meta also breaches the GDPR by disseminating personal data via its platforms

8.25 With a single click, recordings made using Meta glasses can be shared from the Meta AI app onto Meta's platforms, including Facebook, Instagram and WhatsApp. It follows from the *Russmedia judgment* of the Grand Chamber of the Court of Justice of the European Union that Meta itself is responsible for the dissemination of illegally obtained footage on its platforms.[70] This is an important judgment concerning the responsibility and liability of online platforms for GDPR infringements.

8.26 In short, the EU's highest court has ruled as follows. An online platform that processes sensitive personal data (such as sexual imagery) must itself verify whether the data subject has given their explicit consent. If explicit consent cannot be demonstrated, the online platform may not process this personal data. To do so would be in breach of the GDPR.

8.27 In line with the Russmedia judgment, it is clear that Meta is acting in breach of the GDPR. Meta qualifies as a data controller with regard to the image and audio material of individuals who have been recorded without their consent. Meta exercises decisive influence over the purposes and means of the processing of this personal data. According to its terms and conditions, Meta acquires virtually unlimited rights of use over the content of this material, which Meta uses in its own systems, including for the training of Meta AI. According to the Court of Justice, this is a key factor in determining that the online platform is the data controller.[71]

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[66] Data protection adequacy for non-EU countries.

[67] CJEU 16 July 2020, ECLI:EU:C:2020:559 (*Schrems II*), para. 96.

[68] CJEU 16 July 2020, ECLI:EU:C:2020:559 (*Schrems II*), paragraphs 130 to 133.

[69] This follows from EDPB Recommendation 01/2020 of 18 June 2021. It states that the data controller must inform data subjects *'of the appropriate or suitable safeguards, how a copy of them can be obtained or where they can be consulted. The information provided to the data subject must be accurate and up to date, particularly in the light of the Court's case law on transfers.'*

[70] Court of Justice of the European Union (*Grand Chamber*), 2 December 2025, C-492/23, ECLI:EU:C:2025:935, (X v *Russmedia).*

[71] See paragraphs 67–73 of the Russmedia judgment, in which the CJEU, following an analysis of the Russmedia platform and the applicable terms of use, held that Russmedia *'exercises a decisive influence over the processing of personal data in question and thus determines the means of that processing*'.

8.28 Meta is acting in breach of the GDPR, inter alia by processing special categories of personal data without having obtained explicit consent for this (Article 9 of the GDPR).

8.29 In the Russmedia judgment, the Grand Chamber of the Court of Justice clearly established that an online platform cannot evade the GDPR by invoking a *'safe harbour'* defence.[72] Each time visual material of an individual is made available via the Meta AI app to its own platforms such as Facebook, Instagram and WhatsApp, Meta must verify whether that individual has given their explicit consent; in the absence of such consent, access must be refused.[73] Meta must take appropriate measures to prevent any breaches of the GDPR rules in order to safeguard the right to data protection. It is evident that Meta has deliberately failed to do so. Meta deliberately offers the possibility to film people using Meta glasses and processes the personal data of these individuals without seeking their consent. Meta has not implemented appropriate technical and organisational measures to ensure that personal data are not, in principle, made accessible to an unlimited number of natural persons without human intervention, as required by Article 25(2) of the GDPR. The CJEU has ruled that this 'may constitute a particularly serious interference with the fundamental rights to respect for private life and to the protection of personal data, as guaranteed by Articles 7 and 8 of the Charter'.[74]

8.30 It also follows from the *Coyote System judgment* that Meta is liable for the dissemination of illegally obtained visual material on Instagram and Facebook. It follows from this judgment that a service provider which, in its own interest, uses an algorithm to determine the conditions under which, the manner in which and the order in which information is or is not transmitted on its platform, exercises control over this process and therefore cannot invoke an exemption from liability.[75] Meta makes extensive use of algorithms to personalise its users' timelines.[76] It is therefore liable for the dissemination of footage that was recorded without consent and subsequently distributed.

Meta has not taken any measures regarding children

8.31 Recital 75 of the GDPR states that children are vulnerable. They therefore deserve extra protection. This also follows from Article 8 of the GDPR. The EDPB also emphasises that providers of *smart glasses* must take measures to protect children (exhibit 47, paragraph 32): *'Particular attention should be paid to the protection of children, who may be less aware of the presence or implications of smart glasses and therefore more vulnerable to covert or intrusive processing of their personal data.'* However, Meta has not put in place any protective measures for children.

Digital Services Act (DSA)

8.32 The DSA imposes obligations on providers of online platforms. The strictest requirements apply to so-called *Very Large Online Platforms (*'VLOPs').[77] Both Facebook and Instagram qualify as

[72] Paragraph 74 of the Russmedia judgment: *'In any event, the operator of an online marketplace cannot evade its liability as a data controller on the grounds that it did not itself determine the content of the advertisement published on that marketplace. Indeed, to exclude such an operator from that definition on that ground alone would be contrary not only to the clear wording but also to the purpose of Article 4(7) of the GDPR – which is to ensure the effective and comprehensive protection of data subjects by means of a broad definition of the term 'controller'."*

[73] Paragraph 77 of the Russmedia judgment.

[74] Paragraph 90 of the Russmedia judgment.

[75] CJEU 16 June 2026, joined cases C-188/24 (*WebGroup Czech Republic and NKL Associates*) and C-190/24 (*Coyote System*), ECLI:EU:C:2026:492.

[76] See Amsterdam District Court, 2 October 2025, ECLI:NL:RBAMS:2025:7253.

[77] These are platforms with more than 45 million active users per month in the European Union (Article 33(1) of the DSA).

VLOPs. Defendant 4, Meta Platforms Ireland Limited, is the provider of these platforms within the European Union.

8.33 The DSA explicitly cites *'the unlawful and unauthorised sharing of private images'* as an example of illegal content.[78] Pursuant to Articles 34 and 35 of the DSA, Meta must identify and mitigate systemic risks associated with Instagram and Facebook. Systemic risks include, amongst other things, the dissemination of illegal content, and foreseeable or actual adverse effects on the exercise of the fundamental right to respect for private and family life (Article 8 of the Charter) and the protection of personal data (Article 11 of the Charter), arising from the design or operation of the service. Meta must take additional measures on Facebook and Instagram to protect children under Article 28 of the DSA.[79]

8.34 Meta must identify systemic risks on an annual basis, but also *'prior to the roll-out of features likely to have critical consequences'* (Article 34(1) of the DSA).

8.35 Meta is obliged to take reasonable, proportionate and effective risk-mitigation measures tailored to the identified systemic risks (Article 35(1) of the DSA).

8.36 In the Meta AI app, Meta offers a feature that allows users to share footage captured by the Meta glasses' hidden camera on Facebook and Instagram at the touch of a button. This can even be done via a *live stream.* Meta does not check in any way whether the people appearing in the footage have given their consent. There is therefore a systemic risk of footage being shared without consent. Meta should have identified and mitigated this systemic risk before integrating the Meta AI app with Instagram and Facebook. This is because the feature entails *'likely critical* consequences'. Meta failed to do any of this. Meta also failed to identify the systemic risk in its annual report. Meta has therefore acted in breach of Articles 34 and 35 of the DSA. This constitutes an unlawful act within the meaning of Article 6:162 of the Dutch Civil Code.

8.37 Furthermore, under Article 22 of the DSA, Meta is required to prioritise the removal of unlawful footage upon receiving a report from a *trusted flagger*. Offlimits submitted reports on behalf of several victims to Instagram. These reports concerned footage recorded without consent using Meta's smart glasses. Meta did not remove the footage following these reports, not even in cases involving a minor victim. Meta responded either with a simple message stating that no action would be taken, or by saying that it did not see why the footage would be 'unlawful'. It was only after Offlimits lodged an objection that Meta removed one video (exhibit 48).

Criminal Code

8.38 It is a criminal offence to photograph or film another person with a hidden camera without their consent. It is also a criminal offence to store and process material recorded with a hidden camera. The latter offence applies to Meta *itself*.

Filming with a hidden camera is a criminal offence

8.39 Under Article 139f of the Criminal Code, it is a criminal offence to deliberately film or photograph another person without their consent, using a *'technical device whose presence has not been clearly* indicated', in someone's home or any other place not accessible to the public.[80] It is also prohibited to record footage of another person using a hidden camera in a place accessible to

[78] Recital 12 of the DSA.
[79] Meta must ensure a high level of privacy for minors.
[80] This is punishable by a term of imprisonment of up to one year or a fine of €27,500.

the public (Article 441b of the Dutch Criminal Code).[81] According to the Explanatory Memorandum, a *'technical device whose presence has not been clearly* indicated' is one that is genuinely concealed or virtually invisible. It must be '*relatively* easy' for a person to see that a camera is being used. Whether the presence of a technical device has been clearly indicated must be assessed on the basis of the circumstances of the case.[82]

8.40 It follows from the Explanatory Memorandum that a technical device is also *'not clearly* indicated' if an image is captured unexpectedly.[83] This means that, even if a third party sees the camera, there may still be a case of covert filming or photography within the meaning of Article 139f or 441b of the Dutch Criminal Code. In the words of the legislator: *'This may be either because the technical device is genuinely concealed, or because it is installed in such a way that it is almost invisible to the public. It must be relatively easy for members of the public to ascertain on the spot whether cameras are in use at that location.'*[84] This was recently confirmed by the Court of Appeal in The Hague in a judgment of 8 December 2025. In that case, a hospital employee had taken a photograph of a patient using a mobile phone. The Court of Appeal ruled that this constituted covert photography, even though the mobile phone was visible.[85]

8.41 It is therefore a criminal offence in the Netherlands to film or photograph another person using Meta glasses without informing that person and asking for their consent. After all, in such cases it is not clearly apparent that a camera is present. Even when recording a person who is aware that the Meta glasses have a camera, a criminal offence under Articles 139f or 441b of the Dutch Criminal Code may still be committed, namely if that person could not reasonably have expected a recording to be made with the Meta glasses at that moment. Taking a photograph or video using the hidden camera in the Meta glasses will very likely be classified as 'unexpected'. A specific criminal offence applies where the Meta glasses are used to record visual material of a sexual nature without consent (Article 254ba of the Dutch Criminal Code).[86] Furthermore, it is a criminal offence to use the Meta glasses to *systematically* film someone. In that case, it may constitute *stalking* within the meaning of Article 285b of the Dutch Criminal Code.[87]

<u>Meta itself is also liable to prosecution</u>

8.42 Under Article 139g(1)(a) of the Dutch Criminal Code, it is prohibited to possess non-public data if a person knew or ought reasonably to have suspected that this data had been obtained through a criminal offence. In any event, data is deemed to have been obtained through a

[81] This carries a custodial sentence of up to two months or a fine of €11,000.
[82] This follows from the Supreme Court judgment of 19 December 2023, ECLI:NL:HR:2023:1730, paragraph 3.4: *'Whether "the presence" of a technical device has been "clearly indicated" depends on the circumstances of the case. In this regard, significance may be attached to (considered in their mutual context and connection) the nature of the technical device, its visibility and the use made of it, the time at which the image is taken, the location of the person of whom the image is taken and – in connection with this – the extent to which respect for privacy can reasonably be expected at that location.'*
[83] Explanatory Memorandum to the Act of 8 May 2003 amending Articles 139f and 441b of the Criminal Code, Stb. 2003, 198.
[84] Parliamentary Papers II 2001/01, 27 732, 3, p. 6.
[85] Court *of Appeal of* The Hague, 8 December 2025, ECLI:NL:GHDHA:2025:2827: *'In the Court of Appeal's view, at the time the photograph was taken, the patient was in a particularly vulnerable position and (partly as a result of this) in an environment in which a high degree of respect for privacy could be expected. By taking a photograph of that vulnerable scene with a smartphone, the defendant unexpectedly captured an image of a person and thereby used a technical device whose presence had not been clearly indicated. The fact that the taking of that photograph was visible to others at that moment (from a distance) does not alter this.'*
[86] This is punishable by a prison sentence of up to one year or a fine of €27,500. Where the material is of a sexual nature or involves *children,* a prison sentence of up to six years or a fine of €110,000 may be imposed (Article 252 of the Dutch Criminal Code).
[87] This is punishable by a prison sentence of up to three years or a fine of €27,500.

criminal offence if, using Meta glasses, recordings were made without consent: i) in a person's home or another place not accessible to the public (Article 139f of the Dutch Criminal Code), ii) which are of a sexual nature (Article 254ba of the Dutch Criminal Code), or iii) where there is systematic recording or stalking (Article 285b of the Dutch Criminal Code).

8.43 Meta processes this type of footage in its own systems and publishes it via its platforms, including Facebook and Instagram. Furthermore, Meta knows, or ought reasonably to suspect, that it possesses non-public data that has been secretly recorded. Since the launch of Meta's smart glasses, there has been a global outcry over Meta's hidden camera. Regulatory authorities worldwide have launched investigations. And a Meta spokesperson has himself reported that thousands of secretly recorded videos have been removed from Instagram (exhibit 49).

Section 21 of the Copyright Act

8.44 Finally, Meta is infringing the victims' right to their own image (Article 21 of the Copyright Act) by using, storing and distributing their visual material without their consent. This too is unlawful within the meaning of Article 6:162 of the Civil Code.

9. EXPLANATION OF THE CLAIMS

9.1 The claims brought in these interim proceedings have been deliberately limited so that they can be easily granted.

9.2 In short, the claims are limited to an injunction prohibiting the sale of the Meta glasses with the functionality enabling recordings to be made and an order to modify the Meta glasses already sold in such a way that it is no longer possible to make recordings without the consent of the persons whose image and/or sound is being recorded.

9.3 Meta can disable the recording functionality and, in practice, already does so on Meta glasses if a user fails to comply with Meta's terms and conditions (exhibit 49).

9.4 The claims seek to prohibit this unlawful and criminal functionality in future. The claimants are not seeking damages, but merely an injunction to put a stop to the defendants' infringing acts. Furthermore, the claimants are seeking a written confirmation from the defendants that they will comply with the prohibitions imposed and setting out how they will do so.

9.5 In the event that the judge hearing the application for interim relief were to rule that people with visual impairments have an interest in continuing to use the Meta glasses, the claimants have added a subsidiary claim to their statement of claim. For people with visual impairments, the only relevant functionality is the ability to hear what is visible via the glasses' audio function. It is not important for them to make recordings of this. This alternative claim aligns with the Oogvereniging's appeal regarding camera glasses (exhibit 50). The Oogvereniging supports the use of smart glasses as an aid for people with visual impairments and opposes the use of smart glasses to film others without their knowledge.

9.6 It follows from Meta's privacy policy that various Meta group companies are involved in the processing of the personal data obtained via the hidden camera in the Meta glasses. As Meta's privacy policy is unclear, it is not possible to determine exactly what role the group companies play in the processing of the personal data. This may be a deliberate strategy on Meta's part to frustrate legal proceedings. The claim is therefore directed against all four Meta group companies involved in the data processing.

9.7 The claimants also demand that Meta cease processing material recorded by the Meta glasses that is traceable to natural persons, ceasing to transfer such material to countries outside the EEA that do not offer an adequate level of protection, and ceasing to use this material for training AI models.

9.8 In addition, the claimants are seeking an order that the supplier of Ray-Ban and Oakley glasses cease offering Meta glasses in the Netherlands until Meta has complied with the obligations and prohibitions imposed on it by the court.

9.9 In Dutch case law, injunctions specifically aimed at protecting residents in the Netherlands are regularly granted.[88] Recently, following a claim by Offlimits, such injunctions were also granted in proceedings against Hammy Media's porn website and the undressing feature of the AI system Grok.[89] It is established case law that, following a claim by Offlimits, infringing features and the distribution of infringing material are prohibited *worldwide 'insofar as it concerns persons resident in the Netherlands*'.

9.10 Unfortunately, judicial intervention is required to uphold basic legal principles. This speaks volumes about Meta's stance, as it pays no heed to universal human values and fundamental rights, but simply counts on being able to pay the fine afterwards.

10. SUMMONS AND INVITATION TO CONSULTATION

10.1 On 29 September 2026, the claimants served a summons on the defendants (exhibit 51) requiring them, in short, to cease offering the Meta glasses in the Netherlands with the functionality enabling recordings to be made, and to confirm in writing and without reservation that they will pay the claimants a fine for every day that the defendants act in breach of this. The claimants have explicitly pointed out that this constitutes an invitation to enter into consultations within the meaning of Article 3:305a(3)(c) of the Dutch Civil Code.

10.2 The letter of demand was sent by post and by email to the email addresses used by the defendants for this purpose (Exhibit 52). It was also sent by email to the lawyers who customarily represent Meta in legal proceedings in the Netherlands. An English translation was enclosed for the defendants' convenience (exhibit 53).

10.3 The deadline for complying with the demands was Monday 12 October 2026. On Friday 9 October 2026, Meta announced that it was prepared to enter into consultations. On the same day, the claimants invited Meta to a meeting on Monday 12 October 2026. Meta declined this invitation. It wished to enter into discussions at a later date. On the evening of Monday 12 October 2026, Meta stated that it was not prepared to comply with the demands. The claimants again offered to arrange a meeting. Correspondence with Meta is set out in exhibit 54.

10.4 Luxottica did not respond within the specified time limit. Luxottica did not respond until 13 October 2026. It was not prepared to comply with the demands or to schedule a meeting. Correspondence with Luxottica is set out in exhibit 55.

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[88] See, for example, Arnhem District Court (presiding judge), 27 January 2003, No. 93896/KGZA02-798; Amsterdam District Court, 22 October 2009 (*Brein v The Pirate Bay*); Amsterdam Court of Appeal, 26 March 2024, ECLI:NL:GHAMS:2024:767 (*Kelder v Google*).

[89] Amsterdam District Court, 26 March 2026, ECLI:NL:RBAMS:2026:3106 (*Offlimits v Grok and X*). See also: Amsterdam Court of Appeal, 11 June 2024, ECLI:NL:GHAMS:2024:1572 (*Offlimits v Hammy Media*).

10.5 On 13 October, the claimants applied for interim relief at the District Court of Amsterdam. The claimants sent the form and the draft summons to the defendants on the same day (exhibit 56 . At the claimants' request, the Amsterdam District Court, by order of 14 October 2026 (exhibit 57), shortened the service period for the US defendants due to the urgency of the matter. The claimants served the order on the defendants on the same day (exhibit 58).

11. URGENT INTEREST

11.1 The claimants have a pressing interest in their claims. Through their claims, the claimants seek to put an end to the defendants' ongoing unlawful and damaging acts. These acts constitute a serious infringement of the privacy of the victims, whose image and audio material has been recorded without their consent and is being processed by Meta. As long as these features remain in place, more infringing and criminal material is generated and disseminated every day. The damage continues to mount daily. This establishes the urgency of the matter.[90]

11.2 We cannot afford to wait for the outcome of proceedings on the merits. The new WAMCA regime, which came into force on 1 January 2020, makes collective proceedings on the merits considerably more complex. It is known from the proceedings brought by Offlimits against vagina.nl that the total duration of a collective action seeking solely an injunction at first instance is *more than two years*. This makes it all the more important that a party seeking an injunction in a collective action on ideological grounds can apply to the judge in summary proceedings for this interim measure.

11.3 These interim proceedings are taking place at a tipping point in the societal development of *smart glasses*. Meta glasses are not yet in widespread use in the Netherlands, but that could change rapidly, particularly if other major American players such as Google, Snapchat and Apple also start offering *smart glasses* in the near future. And in future, these *smart glasses* will be equipped with facial recognition technology. That would spell the end of any notion of privacy. These developments can still be halted at this stage. However, should a judicial ban not be imposed, Meta will press ahead with this in full force, closely followed by other American Big Tech companies such as Google, Snapchat and Apple. That would fundamentally alter society.

11.4 This case is not too complex to be adjudicated in summary proceedings. It is inherent in a collective action that a ruling is made on admissibility. That does not mean that such cases cannot be brought in summary proceedings. Article 1018b(1) of the Code of Civil Procedure stipulates that certain requirements applicable to collective actions in proceedings on the merits do not apply if the collective action is brought in summary proceedings. This demonstrates that it was the legislature's intention to enable collective actions to be brought in summary proceedings. Even after the WAMCA came into force, collective representatives acting in pursuit of a non-profit objective have regularly brought proceedings in summary proceedings and have consistently been deemed admissible.[91]

12. DEFENCE OF THE DEFENDANTS AND REBUTTAL OF THE DEFENCE

12.1 Meta's defence is set out in exhibit 59. Meta claims that the LED light alerts bystanders when

[90] See, for example, Midden-Nederland District Court, 8 January 2021, ECLI:NL:RBMNE:2021:23 and Gelderland District Court, 21 June 2022, ECLI:NL:RBGEL:2022:3666

[91] E.g. Amsterdam District Court, 2 October 2025, ECLI:NL:RBAMS:2025:7253 (*BoF v Meta*); District Court of The Hague, 18 March 2021, ECLI:NL:RBDHA:2021:2457 (*PrivacyFirst v State*); District Court of Amsterdam, 26 March 2026, ECLI:NL:RBAMS:2026:3106 (*Offlimits v Grok*).

recordings are being made. The claimants have refuted this in detail. Furthermore, Meta argues that users switch on the camera and microphone and share footage with Meta. The claimants have already discussed at length in this writ of summons that Meta itself is liable for processing footage without consent that has been recorded using the Meta glasses.

12.2 Meta also claims that the glasses are intended to assist visually impaired people. The Meta AI assistant can indeed help visually impaired people in their daily lives. However, this does not justify Meta's large-scale breaches of privacy. Meta offers the glasses to everyone, not just people with visual impairments. Furthermore, it is unnecessary for the camera to be hidden for people with visual impairments. And it is certainly not necessary for footage to be shared with Meta. This also constitutes a major infringement of the privacy of people with visual impairments.

12.3 Luxottica's defence is set out in exhibit 60. According to Luxottica, it is unclear on whose behalf, on what grounds and for what purpose Offlimits and The Firewall are acting. However, this is evident from the letter of demand and the summons. Furthermore, Luxottica argues that it is unclear what Luxottica is being accused of. This is also incorrect. Luxottica offers Meta glasses under its Ray-Ban and Oakley brands. The claimants have explained that this contravenes various regulations.

13. JURISDICTION S AND APPLICABLE LAW

13.1 Defendants 1 and 2 are established in the United States. Defendants 3 and 4 are established in Ireland, which is part of the European Union. Defendant 5, the supplier of the Ray-Ban and Oakley Meta glasses, is established in Italy, which is also part of the European Union.

13.2 Article 79(2) of the GDPR governs the international jurisdiction of national courts and gives the claimant the choice between national jurisdictions. This is further explained in Recital 145 of the GDPR. The data subject may bring proceedings before a court in the Member State where the controller or processor is established. In addition, the data subject may bring proceedings before a court in the Member State where the data subject habitually resides. This basis for jurisdiction also applies to an interest group.[92]

13.3 The Dutch court therefore has jurisdiction under the GDPR.

13.4 The claim brought by the claimants is also based on a tort. It follows from Article 7(2) of the Brussels I-bis Regulation[93] , read in conjunction with Article 6(e) of the Dutch Code of Civil Procedure[94] , that a person domiciled in the territory of one Member State may be sued in another Member State before the court of the place where the event giving rise to the damage

[92] District Court of Amsterdam, 15 October 2025, ECLI:NL:RBAMS:2025:7489 (*SOMI/Meta*), para. 6.10, District Court of Rotterdam, 28 May 2025, ECLI:NL:RBROT:2025:6254 (*SDNB/Adobe)*, para. 6.4, Amsterdam District Court, 12 April 2023, ECLI:NL:RBAMS:2023:2192 (*EOKM/Hammy Media*), para. 4.2, Amsterdam District Court, 9 November 2022, ECLI:NL:RBAMS:2022:6488 (*TikTok*), para. 5.12, and previously also Amsterdam District Court, 30 June 2021, ECLI:NL:RBAMS:2021:3307 (*Data Privacy Stichting v Facebook*), para. 5.45.

[93] Regulation (EU) No 1215/2012.

[94]The wording of Article 6(e) of the Code of Civil Procedure is deliberately identical to that of Article 7(2) of the Brussels I bis Regulation. Furthermore, the Dutch legislature considers it self-evident that the CJEU's interpretation of this (supplementary) rule on jurisdiction will serve as an important guideline for its interpretation by the Dutch courts (see M. Zilinsky, in: T&C Civil Procedure, Article 6 of the Code of Civil Procedure, note 9(b). This has also been confirmed by the Supreme Court (see Supreme Court 29 March 2019, TT/EE ECLI:NL:HR:2019:443, para. 4.1.3.). See also: Amsterdam District Court, 9 November 2022, ECLI:NL:RBAMS:2022:6488, para. 5.17.

occurred or may occur. This also applies to collective actions.[95]

13.5 It follows from the established case law of the CJEU that this article establishes jurisdiction both on the basis of the place where the event causing the damage took place and the place where the damage occurred.[96] The place where the damage occurred, in the case of content posted on the internet, is situated in the country where the victim has the centre of his or her interests. The CJEU concluded that the court of the data subject's place of residence has jurisdiction because it is best placed to assess the consequences of an infringement of the data subject's personality rights. The Amsterdam District Court held that this also applies to infringements of privacy rights via online services.[97]

13.6 Meta does not record the place of residence of the victims. It will therefore generally not be known where these victims have the centre of their interests. It is clear, however, that they suffer harm in the Netherlands when, without their consent, recordings of them are made in the Netherlands using Meta glasses and end up in Meta's systems. In order to assess jurisdiction, the court must consider the claims brought.

13.7 As the claims relate exclusively to the Netherlands, the Dutch judge hearing applications for interim relief has jurisdiction to hear the case. The judge hearing the application for interim relief also has jurisdiction over Defendants 1 and 2, as there is such a connection between the claim brought against these Defendants and that brought against Defendants 3 and 4 that considerations of efficiency justify their joint hearing (Article 7 of the Code of Civil Procedure and Article 8, preamble and point 1, of the Brussels I-bis Regulation). All these Defendants form part of the Meta group.

13.8 The tortious and criminal acts also occur in the district of Amsterdam, as the unlawful and criminal visual material is, amongst other places, generated, distributed and made public there; consequently, the Amsterdam District Court has relative jurisdiction pursuant to Article 102 of the Code of Civil Procedure.

13.9 In this case, as the claims are based on a tort, the applicable law must be determined in accordance with the Rome II Regulation.[98] Pursuant to Article 4(1) of the Rome II Regulation, Dutch law applies. This is because the place where the damage alleged by the claimants as a result of the unlawful and criminal visual material occurred is in the Netherlands, given that the claimants and their Dutch supporters have the centre of their interests in the Netherlands.[99] For victims who are not resident in the Netherlands, the infringing material is made public in the Netherlands, meaning that the injunctive relief sought must be assessed under Dutch law.

THEREFORE

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[95] See, for example, Amsterdam District Court, 15 October 2025, ECLI:NL:RBAMS:2025:7489 (*Stichting Onderzoek Marktinformatie v Meta*), paragraph 6.36, and Amsterdam District Court, 9 November 2022, ECLI:NL:RBAMS:2022:6488 (*TikTok*).

[96] Court of Justice of the European Union, 25 October 2011, ECLI:EU:C:2011:685 (*eDate*), paragraphs 48 and 49, further elaborated by the Supreme Court, 3 June 2016, ECLI:NL:HR:2016:1054 (*journalist v Dahabshiil Transfer Services Ltd.*)

[97] District Court of Amsterdam, 9 November 2022, ECLI:NL:RBAMS:2022:6488 (*TikTok*), para. 5.17.

[98] Regulation (EC) No 864/2007.

[99] See, for example, Amsterdam District Court, 18 May 2022, ECLI:NL:RBAMS:2022:2638, para. 4.6 (*Stichting Vladimir v Google*).

the Judge in Preliminary Relief Proceedings at the District Court of Amsterdam may be pleased to order, by judgment, to the extent possible to be enforceable immediately:

to Meta Platforms, Inc., first defendant;
Meta Platforms Technologies, LLC, defendant 2;
Meta Platforms Technologies Ireland Limited, Defendant 3;
Meta Platforms Ireland Limited, Defendant No. 4;
to impose on each of them, individually, the following prohibitions and injunctions:

i. **PRIMARILY,** with immediate effect, to **prohibit them from offering, in the Netherlands,** and/or arranging through third parties to offer to the public, **glasses**

with the functionality of enabling covert or unnoticed recordings to be made, including the recording of images and/or sound, whether or not a small white light on the front of the glasses flashes when the recording is started, without the prior consent of the persons whose image and/or sound is being recorded and, in the case of minors, of their legal representatives,

on pain of a penalty payment of EUR 100,000 (in words: one hundred thousand euros), payable immediately, for each day (including any part of a day) that the defendant acts in breach of this prohibition;

AND, IN THE **ALTERNATIVE,** to grant the relief sought under (i) and, in doing so, **to allow** an **exception for people with a visual impairment** who, on medical advice, wish to use an aid consisting of glasses with a camera function that transmits information to the user via sound, provided that this version of the glasses does not allow the user to make recordings themselves using the glasses' camera function;

PRIMARILY AND IN THE ALTERNATIVE, subject to a penalty payment of EUR 100,000 (in words: one hundred thousand euros) payable immediately for each day (including any part of a day) that the defendant acts in breach of this prohibition;

ii. **PRIMARILY,** to order, with immediate effect, that, with regard to the Meta glasses already sold and in use in the Netherlands, the functionality be modified in such a way that it is no longer possible to

make video and/or audio recordings, unless consent has been obtained from the persons whose image and/or sound is being recorded and, in the case of minors, from their legal representatives,

including the functionality of all units already sold, across all different versions, including Meta glasses marketed under the Meta brand and including Meta glasses marketed under the Ray-Ban and/or Oakley brands,

AND, IN THE **ALTERNATIVE,** to grant the relief sought under (ii.) and, in doing so, **to allow an exception for people with a visual impairment** who, on medical advice, wish to use an aid consisting of glasses with a camera function that transmits information to the user via sound, provided that this version of the glasses does not allow the user to make recordings themselves using the glasses' camera function;

PRIMARILY AND IN THE ALTERNATIVE, on pain of a penalty payment of EUR 100,000 (in words: one hundred thousand euros) immediately payable for each day (including any part of a day) that the defendant acts in breach of this injunction;

iii. to prohibit, with immediate effect, **the processing** or further processing of image and/or audio material recorded using the Meta glasses that is traceable to natural persons residing in the Netherlands, provided there is no valid legal basis for doing so as referred to in Article 6 or Article 9 of the GDPR, on pain of a penalty payment of EUR 100,000 (in words: one hundred thousand euros) payable immediately for each day (including any part of a day) that the defendant acts in breach of this prohibition;

iv. to prohibit, with immediate effect, **the transfer of** personal data collected using the Meta glasses from persons resident in the Netherlands **to countries outside the EEA** that do not offer an adequate level of protection, on pain of a penalty payment of EUR 100,000 (in words: one hundred thousand euros) for each day (including any part of a day) that the defendant acts in breach of this prohibition;

v. to prohibit, with immediate effect, the use of visual and/or audio material recorded by the Meta glasses that can be traced back to individuals residing in the Netherlands for the training of **artificial intelligence models**, on pain of a penalty payment of EUR 100,000 (in words: one hundred thousand euros) for each day (including any part of a day) that the defendant acts in breach of this prohibition;

vi. to order the defendant to confirm in writing to the claimants, within ten working days of service of the judgment to be delivered in this case, that and in what manner the defendant has complied with the claims set out above under i. to v., on pain of forfeiture of an immediately payable penalty of EUR 100,000, (in words: one hundred thousand euros) for each day (including any part of a day) that the defendant fails to comply with this order;

and to impose the following prohibition and order **on Luxottica Group S.p.A., the defendant referred to in point 5**:

vii. **to prohibit**, with immediate effect, **the offering in the Netherlands**, and/or the offering to the public through third parties, **of glasses** with the functionality of enabling covert recordings to be made, namely the recording of images and/or sound, whether or not a small white light on the front of the glasses flashes, without the prior consent of the persons whose image and/or sound is being recorded and, in the case of minors, of their legal representatives,

on pain of a penalty payment of EUR 100,000 (in words: one hundred thousand euros), payable immediately, for each day (including any part of a day) that the defendant referred to in paragraph 5 acts in breach of this prohibition;

viii. to be ordered to confirm in writing to the claimants, within ten working days of service of the judgment to be delivered in this case, that and in what manner it has complied with the requirement set out above under vii. on pain of a penalty payment of EUR 100,000 (in words: one hundred thousand euros) immediately payable for each day (including any part of a day) that the fifth defendant fails to comply with this order;

and that the defendants be ordered jointly and severally to pay the costs of these proceedings.

The costs of these proceedings for me, the bailiff, amount to: €125.57

Offlimits is represented in this case by Otto Volgenant and Karlijn Han
Boekx Advocaten, Leidsegracht 9, 1017 NA Amsterdam
T: +31 20 24 40 400 \| email:volgenant@boekx.com and han@boekx.com

Stichting Firewall is represented in this case by Nienke de Bruijn
The Firewall, Van Diemenstraat 408, Amsterdam (1013 CR)
email: nienke.de.bruijn@thefirewall.eu

LIST OF EXHIBITS

1. Chamber of Commerce extract and articles of association of the Offlimits Foundation
2. ACM decision granting Offlimits the official status of *'trusted* flagger'
3. Chamber of Commerce extract and articles of association of The Firewall Foundation
4. Company information for Meta Platforms Inc.
5. Company information for Meta Platforms Technologies, LLC
6. Registration of Meta Platforms Technologies Ireland Ltd.
7. *Annual Report pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934* by Meta Platforms, Inc. for the financial year 2025
8. Overview of fines imposed on Meta and European Commission investigations into Meta
9. Internal documentation PX-005 Meta US case
10. Ray-Ban Terms of Use (screenshot dated 8 September 2026)
11. Ray-Ban website (screenshot dated 8 September 2026)
12. Luxottica Group S.p.A. registration
13. Oakley Terms and Conditions of Sale (screenshot dated 8 September 2026)
14. Board members of The Firewall
15. Webpage on meta.com 'What are smart glasses and how do they differ from AI glasses?' (screenshot dated 20 October 2026)
16. Screenshots of various versions of the Meta glasses (dated 10 September 2026)
17. Article on cnbc.com entitled *'Ray-Ban maker EssilorLuxottica says it more than tripled Meta AI glasses sales in* 2025', dated 11 February 2026
18. Screenshots of sharing footage via the Meta AI app and the webpage on meta.com *'Live streaming to Facebook or Instagram on Ray-Ban Meta (Gen 1)* glasses' (screenshot dated 8 September 2026)
19. Digital research report on the functioning of the Meta glasses (PSG Recherche) 2026
20. Privacy Policy (effective from 23 July 2026)
21. Voice control privacy statement (effective from 22 July 2025)
22. Supplementary privacy policy of Meta Platforms Technologies (effective from 29 June 2026)
23. Webpage *'How Meta uses data for generative AI models and* features' (screenshot dated 1 September 2026)
24. Webpage on meta.com *'Privacy, built into every pair of* glasses' (screenshot dated 10 September 2026)
25. Screenshot of importing images into the Meta AI app (dated 21 October 2026)
26. Webpage on about.fb.com *'Making AI Work Harder for* Europeans' dated 14 April 2025 and *'Privacy Matters: Meta's Generative AI* Features' dated 27 September 2023
27. Privacy Policy *'Manual* Review' (screenshot dated 10 September 2026)
28. The Hamburg Commissioner for Data Protection and Freedom of Information, *'Final Report on the Technical and Data Protection Review of the Ray-Ban Meta AI* Glasses' dated 10 September 2026
29. Consumentenbond article, *'Camera glasses can film secretly, despite "privacy* updates"' dated 10 September 2026
30. CNIL article, *'Smart glasses: the CNIL calls for* vigilance', dated 29 June 2026
31. Examples of LED Blockers on Amazon (screenshots dated 10 September 2026)
32. Webpage on about.fb.com *'Meta's AI Glasses: Your Questions* Answered' dated 7 July 2026
33. Article on tweakers.net *'Meta glasses may be able to recognise faces via Instagram and Facebook this* year' dated 13 February 2026
34. Questions from US senators to Mark Zuckerberg dated 17 March 2026
35. Article from theguardian.com *'Did someone wearing Meta Glasses film you today? Are you*

sure?' dated 19 August 2026

36. Article from Svenska Dagbladet *'She Came Out of the Bathroom. Naked, Employee* Says' dated 27 February 2026
37. Article from De Telegraaf *'Hundreds of Dutch women secretly filmed with camera glasses: even "creepshots" from sex parties shared on a large scale*' dated 19 August 2026
38. Screenshot of a 'creepshot' showing a woman being followed at Amsterdam Central Station
39. Creepshots on [xxx] and [xxx]
40. BBC article *'I was secretly filmed with smart glasses and then trolled* online' dated 8 January 2026
41. New York Post article *'Instagram is booting pickup artists and pranksters using Meta's "pervert" glasses to harass* strangers' dated 24 July 2026
42. Article on thenextweb.com *'Instagram blocked the search terms. Its algorithm serves the videos anyway'* dated 17 August 2026
43. Questions from the European Parliament to the European Commission, dated March 2026
44. *'Smart glasses. Compendium of G7 data protection and privacy authorities'* approaches' dated 2026
45. *'G7 Data Protection and Privacy Authorities Roundtable* Communiqué' dated 25–26 June 2026
46. Dutch Data Protection Authority website, *'AP warns users of camera glasses that filming others is almost always* prohibited' dated 22 September 2026
47. EDPB, *Statement on Smart glasses* dated 13 October 2026
48. Handling of reports submitted by Offlimits to Meta
49. Semafor article *'Meta disables cameras on thousands of tampered smart* glasses' dated 8 September 2026
50. Statement by the Oogvereniging on smart glasses dated 1 September 2026
51. Letter of formal notice from Offlimits and The Firewall dated 29 September 2026
52. Email to the defendants dated 29 September 2026
53. English translations of the letter of demand
54. Correspondence with Meta
55. Correspondence with Luxottica
56. Email to the defendants containing the application form and draft summons
57. Order of the Amsterdam District Court shortening the summons period dated 14 October 2026
58. Proof of dispatch of the decision dated 14 October 2026
59. Meta's response dated 12 October 2026
60. Response from Luxottica dated 13 October 2026