# Brussels court rules tracking-based ads illegal under GDPR, challenging major tech firms' consent model



The recent ruling by the Brussels Court of Appeal marks a significant turning point in the landscape of online advertising in Europe, declaring the use of tracking by advertisers illegal under the EU’s General Data Protection Regulation (GDPR). Central to this decision is the finding that the widely employed Transparency and Consent Framework fails to ensure the requisite level of informed consent from users before their personal data is processed for targeted advertising.

This development is particularly striking given the substantial reliance of major tech companies, including Microsoft, Amazon, Google, and others, on this consent model to justify their data collection practices. The court's ruling highlights that the pop-up notifications typically used to solicit consent do not adequately protect user privacy, failing to counter the inherent risks associated with real-time bidding—a system that enables advertisers to bid on individual ad impressions as users browse the internet. This process involves the rapid sharing of personal data with multiple companies, creating an alarming privacy breach, as noted by Hannah Storey, Policy Advisor on Technology and Human Rights at Amnesty International. Storey stated, “Every time you load a website, this personal information is shared with thousands of companies… that’s a massive privacy breach.”

The implications of this decision extend beyond just privacy concerns. They resonate within the broader context of escalating fraud within the online advertising ecosystem. Recent reports indicate that Meta, parent company of Facebook and Instagram, has been associated with a significant share of reported scam ads. From 2023 to 2024, nearly half of the misleading advertisements on Zelle, used by JPMorgan Chase, were found to be hosted on Meta’s platforms. This troubling landscape is compounded by an internal assessment from Meta revealing that approximately 70% of newly active advertisers on its platform were promoting illegal goods, scams, or low-quality products.

In a related development, the Court of Justice of the European Union has reiterated the necessity for companies like Meta to strictly adhere to GDPR guidelines, especially regarding the use of personal data sourced from public domains. One notable case involved privacy activist Max Schrems, who successfully challenged Facebook's use of his publicly disclosed sexual orientation for targeted advertising, underscoring the court’s stance that such practices violate user privacy rights. The ruling calls for a more stringent application of data protection laws, sending a clear message to companies that personal data must be handled with respect and care.

This series of judicial rulings signifies a burgeoning movement towards enhanced privacy rights in Europe, compelling companies to reassess their data practices fundamentally. Advocacy groups see these decisions as a major victory for privacy rights, pushing the tech industry towards a model that prioritizes respect for user data rather than exploiting it for surveillance-based advertising. As consumers become increasingly aware of their rights and protections, the pressure on companies to adapt to this new legal landscape will likely intensify, prompting a broader transformation across the digital advertising sector.

In conclusion, these rulings not only spotlight the inadequacies of existing consent models in protecting user privacy but also reflect a shifting paradigm in which the emphasis is placed on safeguarding personal data against exploitation. The future of advertising in Europe may well depend on how companies respond to these critical developments, steering the industry away from surveillance-driven practices towards more ethically sound methodologies.

### Reference Map

1. Paragraph 1: [[1]](https://therecord.media/eu-court-rules-tracking-based-ads-illegal)
2. Paragraph 2: [[1]](https://therecord.media/eu-court-rules-tracking-based-ads-illegal)
3. Paragraph 3: [[1]](https://therecord.media/eu-court-rules-tracking-based-ads-illegal)
4. Paragraph 4: [[2]](https://www.dw.com/en/top-eu-court-rules-against-meta-over-facebook-targeting-ads/a-70406926), [[3]](https://www.bbc.com/news/articles/c4gr4r5ln03o), [[4]](https://www.wired.com/story/meta-cant-use-sexual-orientation-to-target-ads-in-the-eu-court-rules/), [[5]](https://www.politico.eu/article/meta-advertising-empire-faces-growing-hurdles-in-europe/)
5. Paragraph 5: [[6]](https://www.dw.com/en/top-eu-court-rules-against-meta-over-facebook-targeting-ads/a-70406926), [[7]](https://www.dw.com/en/top-eu-court-rules-against-meta-over-facebook-targeting-ads/a-70406926)

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## Bibliography

1. <https://therecord.media/eu-court-rules-tracking-based-ads-illegal> - Please view link - unable to able to access data
2. <https://www.dw.com/en/top-eu-court-rules-against-meta-over-facebook-targeting-ads/a-70406926> - The Court of Justice of the European Union ruled that Meta cannot use personal data obtained from public sources outside its platform for targeted advertising. This decision stems from a case where Austrian privacy activist Max Schrems objected to Facebook using information about his sexual orientation, which he had disclosed publicly but not on the platform, to target him with specific ads. The court emphasized that such data processing violates the EU's General Data Protection Regulation (GDPR).
3. <https://www.bbc.com/news/articles/c4gr4r5ln03o> - The European Court of Justice mandated that Meta must minimize the amount of personal data it uses for personalized advertising. This ruling came after privacy campaigner Max Schrems complained that Facebook misused his personal data regarding his sexual orientation to target him with ads. The court's decision underscores the necessity for companies to adhere to data protection laws and respect user privacy.
4. <https://www.wired.com/story/meta-cant-use-sexual-orientation-to-target-ads-in-the-eu-court-rules/> - The Court of Justice of the European Union ruled that Meta cannot use personal data about a user's sexual orientation, obtained from public sources outside its platform, for targeted advertising. This decision arose from a case where Austrian privacy activist Max Schrems objected to Facebook using information about his sexual orientation, which he had disclosed publicly but not on the platform, to target him with specific ads. The court emphasized that such data processing violates the EU's General Data Protection Regulation (GDPR).
5. <https://www.politico.eu/article/meta-advertising-empire-faces-growing-hurdles-in-europe/> - The Court of Justice of the European Union ruled that Meta cannot use personal data obtained from public sources outside its platform for targeted advertising. This decision stems from a case where Austrian privacy activist Max Schrems objected to Facebook using information about his sexual orientation, which he had disclosed publicly but not on the platform, to target him with specific ads. The court emphasized that such data processing violates the EU's General Data Protection Regulation (GDPR).
6. <https://www.dw.com/en/top-eu-court-rules-against-meta-over-facebook-targeting-ads/a-70406926> - The Court of Justice of the European Union ruled that Meta cannot use personal data obtained from public sources outside its platform for targeted advertising. This decision stems from a case where Austrian privacy activist Max Schrems objected to Facebook using information about his sexual orientation, which he had disclosed publicly but not on the platform, to target him with specific ads. The court emphasized that such data processing violates the EU's General Data Protection Regulation (GDPR).
7. <https://www.dw.com/en/top-eu-court-rules-against-meta-over-facebook-targeting-ads/a-70406926> - The Court of Justice of the European Union ruled that Meta cannot use personal data obtained from public sources outside its platform for targeted advertising. This decision stems from a case where Austrian privacy activist Max Schrems objected to Facebook using information about his sexual orientation, which he had disclosed publicly but not on the platform, to target him with specific ads. The court emphasized that such data processing violates the EU's General Data Protection Regulation (GDPR).