



9 October 2020

Stichting Onderzoek Marktinformatie
Postbus 59692
1040 LD, Amsterdam
Netherlands

TikTok Technology Limited
10 Earlsfort Terrace
Dublin, D02 T380
Ireland

By email only: info@somi.nl

Your reference: SOMI / TikTok

Dear Mr. Franke and Dr. Wijtvliet,

We write in response to your letter dated 8 September 2020 on behalf of Stichting Onderzoek Marktinformatie (“**SOMI**”) (the “**Letter**”), which was addressed to TikTok Information Technologies UK Limited (“**TikTok UK**”), and has subsequently been forwarded to TikTok Technology Limited (“**TikTok Ireland**”).

TikTok Ireland is providing this response because it is the sole legal entity providing and operating TikTok services for users residing in the EEA (except for the UK), including the Netherlands. We therefore request that you address any further correspondence to TikTok Ireland.

At the outset, we reject SOMI’s generic claim that TikTok has “*violated user privacy in numerous ways*”. At TikTok, we are driven to maintain a positive and safe environment for our users where creativity and expression thrive. It goes without saying that, as part of this drive, we are committed to protecting and respecting the privacy of our users. TikTok takes compliance with applicable data protection laws – including the General Data Protection Regulation (“**GDPR**”) – very seriously.

We understand from your letter that “*over 350 of (mainly Dutch) users have authorized SOMI to represent their GDPR data interests on their behalf, including in relation to [TikTok].*” The Letter proceeds to assert, on behalf of “participants”, a series of claims premised on violations of the GDPR. However, the vast majority of the allegations in your letter appear to merely summarise a host of allegations from press stories. Any link with the facts or events relating to any TikTok users SOMI purportedly represents appears to be missing. In fact, many of the allegations in the Letter do not even seem to have an apparent connection to European users or their data. It is therefore unclear to us which, if any, of these complaints are adopted by and/or are alleged specifically to concern your members.

As indicated above, TikTok is committed to protecting and respecting our users’ privacy. To the extent that any of your members have specific concerns or complaints regarding the processing of

their personal data, we encourage and invite these individuals to raise their concerns with us by means of the dedicated contact form available on our website (<https://www.tiktok.com/legal/report/privacy>).

Lastly, we have observed that SOMI's webpage and pages on various platforms, such as Facebook and LinkedIn, suggest that SOMI will initiate a mass claim against TikTok, offering consumers the possibility of obtaining damages up to EUR 500 per person. However, we note that the Letter remains silent as to the initiation of such a collective action. Indeed, other than the request for a substantive response, the Letter does not state SOMI's demands and/or specific claims vis-à-vis TikTok. We will therefore not consider the Letter to be an invitation to engage in a meaningful dialogue within the meaning of Article 3:305a sub 3 sub c of the Dutch Civil Code. Should the Letter be intended as such an invitation, we kindly request that you indicate this in writing.

This letter does not constitute a waiver of any rights or defences, all of which TikTok explicitly reserves.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'IJ', with a long diagonal stroke extending from the bottom right of the signature.

Ian Jones, Senior Counsel
On behalf of TikTok Technology Limited