

# Highlighting Litigation Success in the Digital Rights Community

Looking back at impact from the Digital Freedom Fund's first six years and over one hundred grants



Digital  
Freedom Fund



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## 1. Summary

This report provides a breakdown of impact from the Digital Freedom Fund's first six years of grantmaking (mid-2018 to end of 2024), providing over 100 grants supporting strategic litigation to advance digital rights in Europe. Below we summarise the major outcomes achieved through the fantastic work of the 70+ organisations and individuals we have supported so far.

We would also like to acknowledge the support of Patrick Regan, from [Rights Evaluation Studio](#), who has worked with us since 2019 to help develop our approach to impact monitoring and prepare this analysis.

## 2. Introduction

Digital spaces and technology have become a new frontier for human rights violations, with an increasing number of incidents reported globally, including privacy breaches, censorship, surveillance, cyberbullying, and the misuse of personal data. The rapid development of artificial intelligence and algorithms further exacerbates these issues by perpetuating biases and discrimination in areas such as employment, law enforcement, and access to services. The Digital Freedom Fund (DFF) exists to support the digital rights community in Europe to use strategic litigation to advance and protect human rights in digital spaces, reducing the negative impact of technology in the world. Since our inception in 2017, we have established a strong record of conscientious grantmaking, community strengthening events and tools, and contributed to an expanding network of partners and allies, all united in the desire to create systemic change.

Our vision is a society in which technology and digital spaces are used justly and fairly so that all communities and individuals can fully enjoy their human rights.

We aim to achieve this vision by supporting strategic litigation efforts that influence outcomes in the following three areas of impact:

**01. The Digital Rights Community:** The Digital Rights Community is larger, more resilient and better connected, with those most affected by digital harms being centred in litigation and other efforts.

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**02. Law and Policy:** Justice is secured by (1) achieving accountability from governments and corporations, (2) contributing to new and improved laws and policies which mitigate digital harms; and (3) more effective implementation and enforcement of existing legislation which protect digital rights.

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**03. Society:** Community-driven litigation brings systemic changes advancing digital rights.

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Our Strategic Litigation Support programme provides financial support to groups and individuals working on litigation to advance digital rights and increases the likelihood of cases having a positive impact on the people affected by digital rights violations in Europe. DFF grants help litigators cover the costs of taking a case, including related advocacy activities. Potential litigators can also receive funding for research activities to prepare for litigation, and since 2024, for post-litigation activities to help promote learnings and ensure the implementation of court decisions.





	Number of applications approved	Total amount approved	Average grant size	Highest grant amount	Lowest grant amount
Pre-litigation Research (2018-ongoing)	41	€ 1,172,286	€ 28,592	€ 72,653	€ 8,560
Litigation Track (2020-ongoing)	57	€ 2,494,082	€ 43,756	€ 164,877	€ 5,000
Single Instance Litigation (2018-2020)	21	€ 781,010	€ 37,191	€ 134,923	€ 2,889
Emergency Litigation (2018-2019)	5	€ 30,986	€ 6,197	€ 9,817	€ 3,882
Post-litigation Pilot (2023)	1	€ 15,774			
<b>Total</b>	<b>125</b>	<b>€ 4,494,139</b>			

Year	Concept notes/eligibility checks received	Full applications received	Applications approved	Application approval rate
2018-2020	99	61	42	68%
2021	66	50	16	32%
2022	49	36	19	53%
2023	91	70	23	33%
2024	127	85	25	27%
<b>Total</b>	<b>423</b>	<b>303</b>	<b>125</b>	<b>41%</b>



In the first three years we considered applications individually on a rolling basis. In this period two thirds of applicants that passed the concept note stage ended up receiving grants. In 2021, we moved to a new system with two open calls for applications per year. This increased the number of applications, and the competition. Despite our grant budget increasing in 2021, and then increasing again in 2022, due to the much higher demand the approval rate dropped. We have fully allocated our available grant budget every year except 2018. This means in most years we could have approved more applications if we had more funding available.

Year	Net total granted
2018	€ 67,595
2019	€ 510,267
2020 general	€ 475,654
2020 COVID-19 Litigation Fund	€ 594,223
2021	€ 606,337
2022	€ 644,899
2023	€ 750,384
2024	€ 823,361
<b>Total</b>	<b>€ 4,472,720</b>



Year	Grant stage		Complete stage	
	Single/individual instance orders signed	Pre-litigation research agreements signed	Single/individual instances completed	Pre-litigation research grants completed
2018	5	0	0	0
2019	13	5	3	1
2020	18	4	9	2
2021	16	4	5	4
2022	19	8	8	5
2023	19	12	19	2
2024	25	8	14	9
<b>Total</b>	<b>115</b>	<b>41</b>	<b>58</b>	<b>23</b>

In our last two calls for applications in late 2024 and early 2025 we received a record 50 and 59 applications respectively. The previous highest number received was 34 applications in 2023, and in 2021 and 2022 we received around 20 applications per call. This continuous increase indicates both that our community building efforts are working, resulting in a more diverse group of organisations applying for funding, and that our litigation support is more sought after and necessary than ever.



Further evidence of this increased diversity is the fact that we have continued to expand the number of first-time grant applicants over time, despite many of the known digital rights organisations already applying in the early years. Since 2018, 238 different organisations and individuals have submitted concept notes or eligibility check requests. Almost half (111 out of 237) first time applicants came in 2023 and 2024.

Year	No. Unique (First Time) Applicants
2018	24
2019	15
2020	17
2021	35
2022	35
2023	57
2024	54
<b>Total</b>	<b>237</b>

Of the 237 groups and individuals, 166 went on to submit full applications for review. 76 of the 166 applicants (46%) have received at least one grant from DFF.



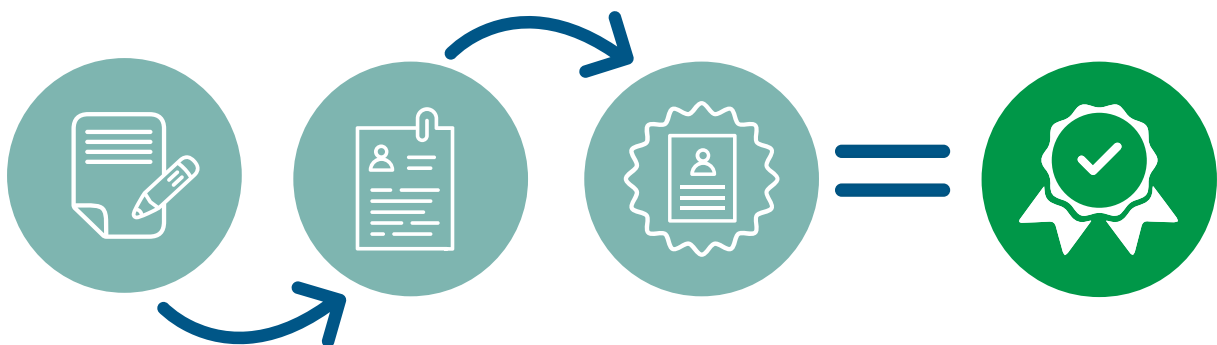
### 3. How grant recipients have changed over time

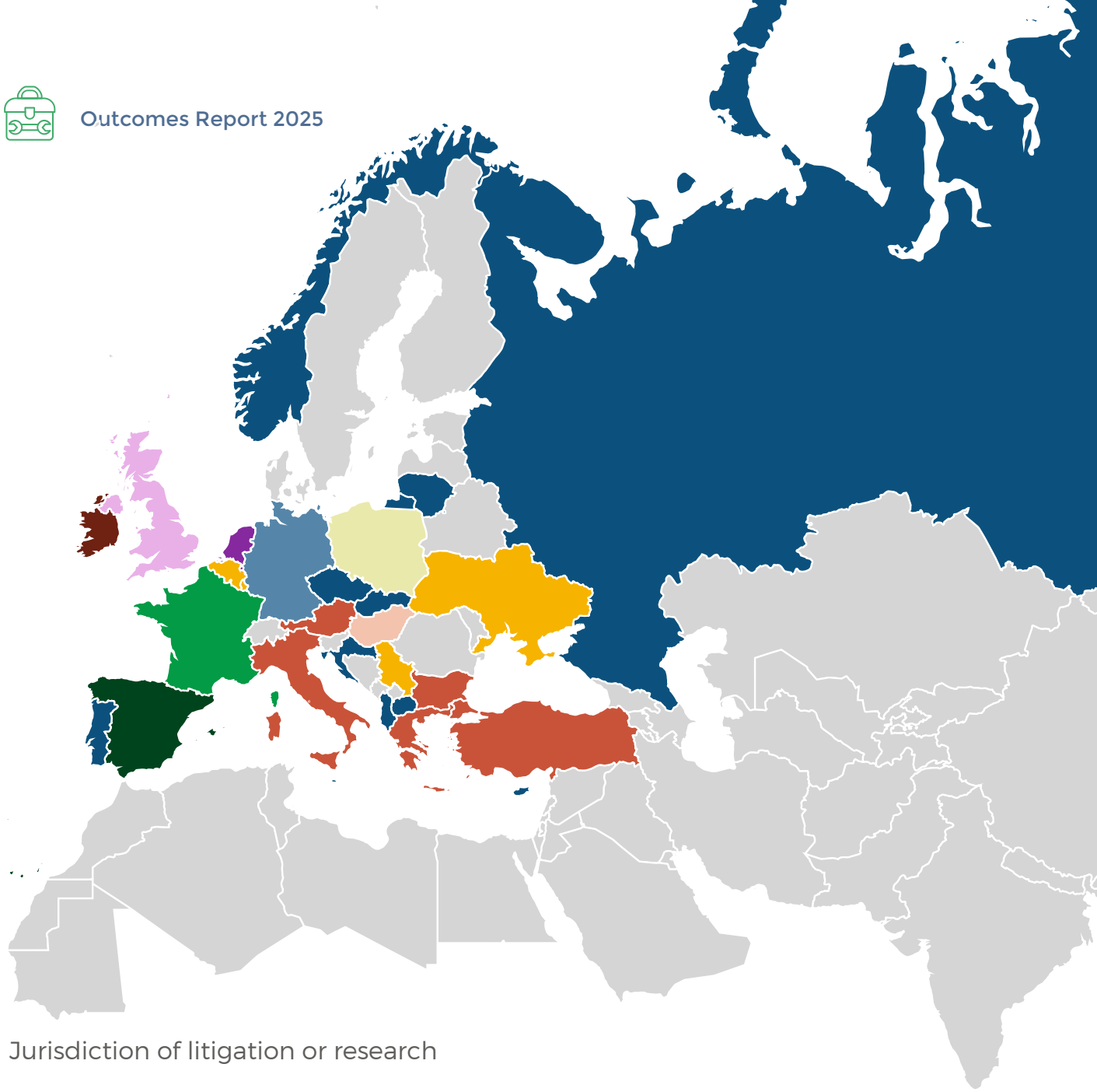
Over time we have looked more and more closely at how organisations we work with engage with communities most affected by the digital rights violations in question. We aim not to fund litigation that is extractive or disregards the desires of those most affected by digital rights harm.

In the 2018-2020 period, most of our grantees and attendees at our events were more “traditional” digital rights organisations, or groups working on human rights more broadly, but heavily engaged in privacy and data protection issues. Around 60% of funding in this period went to digital rights groups, and around 30% to groups focused on human rights more broadly. In the last three years, thanks to initiatives like our [Digital Rights for All](#) programme and other efforts to extend our outreach, through our grantmaking and community strengthening work, we have supported a much larger variety of groups working on different racial, social and economic human rights [issues](#).

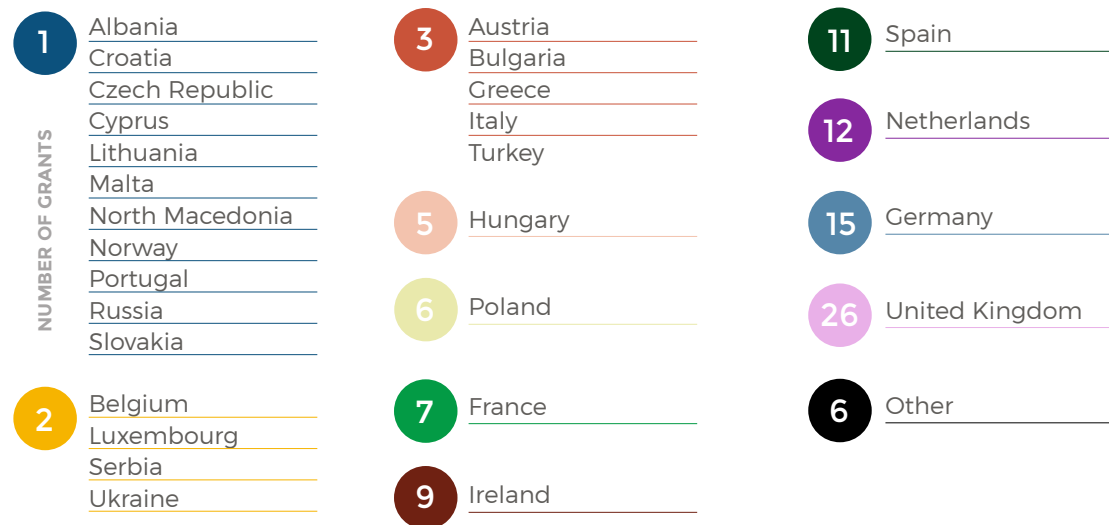
Although in 2020, we made our first grant to a gender justice organisation, by the end of 2020, only four out of 44 grants went to groups with a specific focus on a more oppressed community (specifically, children, women, and gig economy drivers). This started to change after 2020, and in the last four years we have made regular grants to organisations supporting LGBTQI+ rights, social justice, gender justice, racial justice, criminal justice, Roma rights and migrant rights. In 2023, for the first time, more of our funding went to groups focused on social, racial and economic justice issues than specifically on digital rights. This was even starker in 2024, with 11 out of 25 grants going to groups representing marginalised communities, including LGBTQI+, Palestinian rights, prisoners, Romani, children, sex workers, migrants, and workers. Only four out of 25 grants went to digital rights-focused organisations. In 2024, the remaining amount went to broader human rights groups (3), media/journalist support groups (3), law firms (2) and consumer rights (1).

In terms of country focus, the early years of our grantmaking were dominated by the UK and Germany, with 21 out of 43 grants (49%) between 2018 and 2020 going to groups in those two countries. However, this has also changed over time, with only 13 out of 72 grants (18%) between 2021 and 2024 going to groups in those two countries. As of 2024, we have funded organisations from 27 countries, for litigation and research in 29 countries across the Council of Europe, as well as at regional forums like the European Court of Human Rights, Court of Justice of the European Union and the European Commission.





### Jurisdiction of litigation or research





## 4. Outcomes analysis

We work with a theory of change that recognises impact and success don't only come from winning cases. Impact can also be achieved despite losing a case, and there are many important outcomes from the work and collaboration that happens throughout the litigation process. We began using a tailored **impact measurement framework** in 2020 to better identify and assess the contribution of DFF supported strategic litigation to broader outcomes and impacts.

Since 2020, we have carried out an annual analysis of outcomes achieved by the organisations we have supported with our grants. For the purposes of our analysis, we see an outcome as a meaningful change in relationships, practices, policies, or actions by an individual(s), groups, institutions or organisations. Each outcome needs to clearly define the change, explain how the DFF funded work has contributed to that change, and detail supporting evidence. As of December 2024, we have logged 221 different outcomes from our grantmaking since 2018, 179 of which (80%) met the required evidence standards in our framework. Our impact assessment framework categorises outcomes into nine themes across three impact areas.

Year	Number of outcomes logged
2020	33
2021	52
2022	60
2023	31
2024	45
<b>Total</b>	<b>221</b>

For example, changes in legislation under the “law and policy” theme, changed public opinion and awareness under the “social” theme, and coordination and connection of the digital rights field under the “digital rights field” theme.

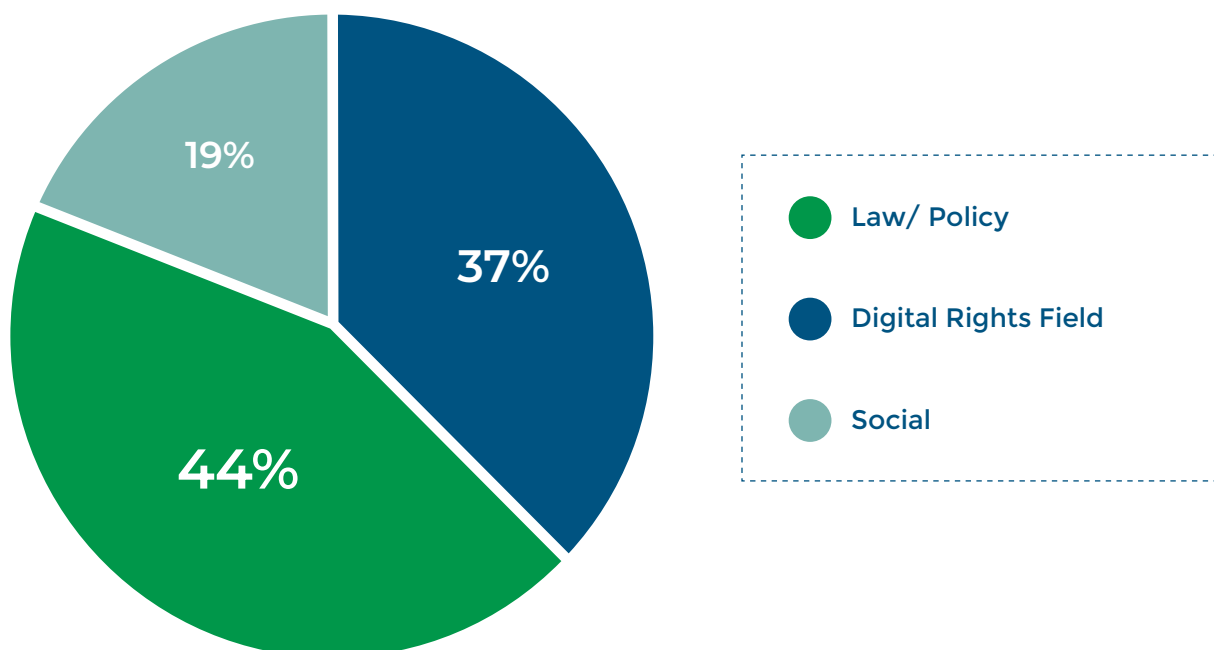


Whilst in earlier years, the majority of outcomes related to community strengthening and support outcomes, as more cases have progressed, and as we have diversified the range of organisations we work with, our recent analysis shows a much more even spread between the different impact themes (Social, Law and Policy, Digital Rights Field). The percentage of outcomes under the law and policy theme has gone from 12% in 2020, to 44% at the end of 2024. We believe the main reason for this trend is that back in 2020 most of the cases we were supporting were still beginning and there had not been many completed litigation projects. More and more cases are progressing or being completed, leading to an increase in the number of legal and policy outcomes, which mostly relate to the securing of positive judgments. There were also more “Social” outcomes being reported in 2024 than in 2021, though this is still the least represented outcome type at 19%. The lower proportion here is likely due to these types of outcomes happening over a longer timeframe, and often after litigation has been completed, making it more challenging to document these. We expect that there are more outcomes we are simply not aware of, though we are working on different ways to follow up after grants have ended in a way that is not burdensome.

Additionally, as outcomes and results were reported by grantees and reviewed through our framework, we identified a range of outcomes which did not neatly fit into our nine pre-established categories – these changes related to instigating or prompting investigations or accountability processes by different authorities and mechanisms such as national data protection authorities, and in 2024 we added a new category under the law and policy theme to account for these, called “Instigating accountability or investigatory actions”.

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### Outcomes Logged by Impact Type (of those which met the evidence standards)





### Number of outcomes per theme

The field's efforts to address human rights violations in the digital sphere	32
Legislation and policy on digital rights are changed and/or new legislation is introduced	28
The coordination and connection of the digital rights field	27
Public awareness and public opinion is changed	22
Instigating accountability or investigatory actions	16
Access to justice and available routes to justice and fora for digital rights litigation	16
Regional and International standards on digital rights issues	15
Dialogue and engagement on digital rights between CSO's, regulatory bodies and private entities	12
The broader conditions or environment for the wider affected community are changed	7
Representation and visibility of minority or previously unheard voices in Court	4



## 5. Social, Legal and Policy Impacts

Over the years, the activities of DFF grantees have improved laws, policies and practices, with legislation and policy on digital rights improved or introduced nearly 30 times, and at least 16 investigatory actions instigated. They have helped to increase awareness and shift narratives of digital rights issues, with more than 20 instances of public awareness or opinion shifting. And they have achieved accountability, redress or remedy for violations of rights for individuals and communities.

Whilst many of their cases are still ongoing or just beginning, and some case work is confidential, the timeline below shows a snapshot of just some of these important achievements.

Our [case study page](#) is regularly updated based on project progress, after new cases go public, and with new litigation activities we are supporting.

### 5.1. 2020

One of the first major positive decisions for a DFF-supported case occurred in February 2020, when the District Court of The Hague **ruled** that “SyRI”, a risk profiling method employed by the Dutch government to detect individual risks of welfare, tax and other types of fraud, was in violation of the European Convention on Human Rights. The case was brought by a coalition of digital rights litigators and activists in the Netherlands, coordinated by the [Platform for the Protection of Civil Rights](#) and the Public Interest Litigation Project ([PILP](#)). This was a major win for digital rights activists as well as the wider public. It not only ensured people in the Netherlands could better protect their privacy, it also set a **positive precedent** for ensuring that governments across Europe adhere to human rights standards when rolling out new technologies in relation to public services. As well as establishing an important victory in Court, the extensive media coverage achieved through the litigation process helped to generate discussion and awareness about profiling and surveillance, as well as the issues of race and class in the context of SyRI, creating wider recognition that profiling is a controversial practice.

Three DFF-supported projects in the UK also achieved important wins in 2020. The [UK Police were forced](#) to scrap the practice of downloading phone and social media data of victims following the threat of litigation brought by two survivors of sexual abuse. A [DFF grant supported Big Brother Watch](#) to prepare evidence and produce a witness statement supporting the cases.

The UK Home Office agreed to [shelve an algorithm](#) used to stream visa applications after Foxglove and the Joint Council for the Welfare of Immigrants filed a court claim arguing that the algorithm discriminated against people from certain nations.

The UK Information Commissioner’s Office [published an audit report](#) on the UK Department of Education [in response to a complaint](#) from Defend Digital Me. The report found that the



Department broke the law in its mishandling of the national database containing details of every school pupil in England. Following from the outcomes of the audit, in 2021 the Department for Education deleted the nationality and country-of-birth data from millions of school children, a major win resulting from long-time campaigning and litigation.

In Germany, in a case relating to an NGO being sued by the German government due to alleged copyright infringement for publishing a report which outlined health risks relating to a chemical in a weed killer, a [regional court ruled in favour](#) of Open Knowledge Foundation Germany. The court found that the sharing of a state-produced report did not infringe copyright, an important precedent against governments using copyright to restrict sharing of information online.

Not only did this establish important precedent in relation to access to information, the campaign which accompanied the litigation raised awareness of both the health issues detailed in the report, and on freedom to information, prompting over 45,000 people to take action to file information requests with the government.

In the UK, through [their litigation project](#) concerning the advertising technology (adtech) industry, Open Rights Group (ORG) [developed new and closer relationships](#) with NGO partners, industry experts and other allies which directly resulted in the initiation of additional complaints in a number of other countries spanning across Europe. Starting in 2019, ORG teamed up with the Civil Liberties Union for Europe (Liberties) and Panoptykon to lead a [multi-jurisdictional project](#) aiming to change the advertising technology industry in Europe. In total, complaints were made to 21 data protection authorities across the European Union, expanding the reach of the complaints and drawing attention to the issue.

In Bulgaria, Digital Republic's comparative [legal research](#) on the inherited legal provisions regulating free use of copyrighted materials throughout the EU had reach and influence beyond their own organisation, with the research being referred to by IP lawyers, tech associations and library professionals. It has also been used and referred to by government ministries which are leading copyright law reform in the country.

Also in 2020, we launched a fund specifically to help litigators respond to digital rights violations committed in the context of the COVID-19 pandemic – the [COVID-19 Litigation Fund](#). Outcomes from the seven projects supported through this fund are mentioned in the sections below.



## 5.2. 2021

In July 2021, the Poland Supreme Court **presented their ruling** in a case bought by the Moje Państwo Foundation **concerning transparency in the use of algorithms** in government decision making (specifically in relation to the allocation of judges to cases).

The Court stated that the Minister of Justice must provide access to the details of an algorithm used to allocate judges to cases. The courts also explicitly stated that the algorithm constitutes “public information” and is therefore subject to freedom of information law.

Not only was this a win for this specific case, the success of this case helped to convince the Polish Ministry of Digital Affairs to impose an obligation for public bodies to assess risks before implementing algorithmic systems in public/ public decision making more broadly.

Not all cases need to win in court to have a positive outcome. In November 2021, the **UK Upper Tribunal refused** ORG’s request that their complaint concerning illegal data processing in the adtech sector be re-opened by the Information Commissioner’s Office. Despite this refusal, ORG won key concessions and admissions by the Information Commissioner’s Office stating *“the original complaint submitted by [ORG] and the additional supporting documentation received ... have been central to shaping the ICO’s plans to address the issues that exist within the RTB [Real Time Bidding] ecosystem”*.

The ongoing litigation and related campaigning also helped start an industry-wide investigation into the adtech industry, with the Information Commissioner’s Office highlighting widespread illegality and beginning to investigate adtech firms.

Liberties had success using a **variety of litigation actions** to stop the use of COVID-19 apps that do not respect people’s rights to privacy and data protection. This litigation was funded through the **COVID-19 Litigation Fund** in 2020. They started their project with partners in 12 EU members states. In almost all jurisdictions they assessed, Liberties **noticed major issues**. For example, when launching apps, governments did not consult stakeholders and watchdogs, data protection impacts assessments were not prepared or made public, source codes were not published, and the expected efficacy was too low to justify the app’s use. In June 2021, Liberties launched a knowledge hub on their website to collate information gathered so far, and to monitor and update the ongoing cases. Liberties narrowed down their focus for litigation to four jurisdictions where their partners began litigation action: **Belgium**, Bulgaria, Hungary and **Spain**. In both Bulgaria and Spain there were rulings in favour of Liberties’ partners – Bulgarian Helsinki Committee and Rights International. In both countries the courts ruled that data protection impact assessments about the national COVID tracing apps must be shared.



The [joint litigation and advocacy campaign](#) of GFF and Doctors of the World is seeking to expose the intersection of the right to health and issues of data sharing of undocumented migrants. Whilst this case and advocacy is still ongoing, GFF and Doctors of the World are already seeing their efforts yielding results in terms of challenging these unfair practices which restrict the right to health for undocumented migrants, and raising awareness of this issue amongst the wider public. The leftist party in Germany [used their arguments in a study](#) for a parliamentary enquiry to the government, more than 80 organisations have supported the campaign, and more than 20,000 people have signed the campaign's petition. In April 2024, [GFF filed a complaint](#) to the European Commission, signed by 45 organisations.

Pre-litigation research grants have been shown to enable NGOs and communities to test their legal theories and develop cases, laying the groundwork for impactful litigation in court. A [pre-litigation research](#) project by GFF in 2019-2020 looked at [the extraction and analysis](#) of data from asylum seekers' mobile devices in Germany. GFF confirmed their hypothesis that the practice violates privacy rights and doesn't provide meaningful and useful results. In May 2020, building on the research, GFF were able to start litigation, supporting three refugees to [sue the German state](#) for accessing personal data on their mobile phones. In June 2021, a [Berlin court ruled](#) in the first of these cases that searching the phone belonging to an asylum-seeker from Afghanistan was unlawful.

### 5.3. 2022

In 2022, [the Supreme Court of Spain](#) recognised for the first time that information about abortion on the Internet is constitutionally protected by the right to information.

The case had been brought by Women's Link on behalf of Women on Web (WOW), a non-profit organisation sharing information on safe medical abortions, challenging the 2020 government decision to block WOW's website. This litigation was funded through the [COVID-19 Litigation Fund](#) in 2020. The decision from the Supreme Court created an important judicial precedent: for the first time it established that approval from a judge is needed in order to block information published on the internet. Alongside the litigation, Women's Link and WOW are [campaigning to show the impact](#) this lack of access to information has on women in Spain and how this had been exacerbated during the COVID-19 pandemic. Unfortunately, the Court did allow for the ongoing blocking of the part of the website that allows access to information about abortion pills, and WOW is [continuing the litigation](#) to the Constitutional Court, and then potentially the European Court of Human Rights to appeal this aspect of the ruling (if required).



In February 2022 the Belgian Data Protection Authority **ruled** that the Interactive Advertising Bureau's (IAB) cookie consent banners are illegal. This will **potentially influence** the whole online advertising industry; all data collected through the cookie banners must be deleted by more than 1,000 companies, including Google, Amazon and Microsoft. This outcome results from the initial scoping, networking and **filing of complaints** that took place as part of a DFF grant received by ORG, Liberties and Panoptikon in 2019. IAB Europe tried to appeal this decision, but in March 2024 it lost its case before the CJEU. More recently ORG partnered with La Quadrature du Net **to file representative complaints in the UK and in France** targeting LiveRamp, an online advertising and data broking company. LiveRamp had been presented as presented as a viable alternative in the face of growing regulatory pressure against online advertising, but ORG's complaint argues that it is even more intrusive and pervasive than previous adtech technologies.

In September 2022, in the United Kingdom, a claimant supported by Child Poverty Action Group (CPAG) **received a positive Upper Tribunal judgment** in relation to the backdating of welfare claims. This is a **representative case of issues** resulting from the digitalisation and automatised of the universal claims system in the UK. Due to problems with the electronic form, the claimant had not indicated they needed their welfare payments backdated, thus missing out on essential support. The Upper Tribunal ruled that claimants can make later revisions in order to access backdated claims. In 2024, the Court of Appeal dismissed an appeal by the Secretary of State.

In December 2022, the GFF **received a positive decision** from an administrative court in Germany related to the EU Passenger Names Records Directive, with the court declaring mass processing of flight passengers' data illegal. This followed the **June 2022 ruling** from the Court of Justice of the European Union that found the directive compatible with the European Charter of Human Rights, leaving it up to domestic courts to apply domestic laws. GFF had started the litigation back in 2018 in collaboration with epicenter.works, who filed a complaint in Austria at the same time. As of late 2024, the Austrian case is awaiting a decision by the Federal Administrative Court.

Building on concerns that the increasing roll out of thermal scanning technology in the UK during the COVID-19 pandemic could lead to invasive surveillance with unnecessary violations of data protection rights, Big Brother Watch **started a litigation project** in late 2020. They **wrote pre-action letters** to more than 80 operators of this technology (including schools, hospitals, restaurants, airports and even the BBC). These efforts proved successful and by early 2022 most of these operators had stopped using the technology, eliminating the need for Big Brother Watch to proceed with litigation.

Big Brother Watch were not the only organisation achieving changes in practice without the need for full litigation: Open Knowledge Foundation UK were able to **affect an important change** through the use pre-litigation action letters. the British Bar Standards Board decided to stop working with a remote proctoring software vendor unless they bring their practices in line with EU law. The litigation activities by both Big Brother Watch and Open Knowledge Foundation UK were funded through the **COVID-19 Litigation Fund** in 2020.



## 5.4. 2023

In April, [a court in Amsterdam found](#) in favour of workers and against Uber and Ola Cabs in a case coordinated by Worker Info Exchange (WIE). Among other rulings,

the court ordered Uber and Ola Cabs to provide information to workers on automated decision making relating to work allocation and fares including dynamic pay and pricing. Having this information gives workers a chance to collectively bargain for better pay or push back against discrimination and unfair dismissal.

This litigation stemmed from a pre-litigation research grant to WIE in 2021 which has helped to inform various cases against Uber and Ola Cabs. WIE's various litigation activities have also helped pressure Uber to make other changes that benefit worker rights. For example, Uber has now agreed on a formal protocol with WIE, which makes it much easier to submit and process subject access requests and receive data. Uber has also since revised its privacy policy multiple times. Based on discussions with staff of the European Parliament Employment and Social Affairs Committee, WIE also believe their litigation had a major influence on the drafting of the EU Platform Work Directive.

In 2023, there were two litigation outcomes involving Liberty. In August 2023, in their case [challenging the UK Investigatory Powers Act](#), the Court of Appeal handed down its judgment, upholding Liberty's argument that the regime for sharing material from bulk personal datasets with overseas states is unlawful. As a result, the UK Government has [issued a public statement](#) on the safeguards around sharing bulk personal datasets to make the regime compliant. Unfortunately, the Court of Appeal ruled against Liberty's arguments on several other grounds, including on legal protections given to journalists. Liberty has since planned further appeals. Supported by Liberty's strong advocacy campaign, interest around the case was high, helping to raise public awareness about the government's surveillance activities. During the period leading up to the case, Liberty received over 100 queries from the public relating to surveillance.

Sometimes, the litigation process can bring to light new information or evidence that can raise awareness or spur on other impacts. Through their litigation challenging the Investigatory



Powers Act, Liberty forced the UK government to reveal that MI5 – British secret service had severely violated the law in their handling of confidential data. This was the kickstart for additional **successful litigation by Liberty and Privacy International** against the security and intelligence services, where a **UK tribunal found** that there were “very serious failings” at the highest levels of MI5 and that they had unlawfully handled individuals’ private data.

In September, the Norwegian Privacy Appeals Board announced that **it upheld the Norwegian Data Protection Authority’s** fine of NOK 65 million (approximately €5.8 million) against Grindr due to their breach of the GDPR by sharing sensitive data to third party companies, the highest fine that the authority had ever imposed. In early 2022, Grindr had filed an appeal against the DPA’s decision, and DFF funding **supported the Norwegian Consumer Council and noyb** to intervene in the case and ensure the decision was upheld.

In November 2023, a district court in Slovakia made a **ground-breaking decision for Romani rights**, ruling that the Slovakian government had discriminated against the plaintiff, a Romani girl, in access to education on the grounds of her social origin, property, and Romani ethnic origin and had also violated her right to access to information. The lawsuit had been filed in 2022, supported by the Center for Civil and Human Rights, arguing that Roma children were disadvantaged by a move to online distance learning during the COVID-19 pandemic. The courts agreed, ruling that the government had failed to take appropriate measures, including the provision of access to the internet and digital technologies, to ensure equal access to education during the interruption of full-time education during the Covid-19 pandemic.

“The Court’s decision is groundbreaking, as it is the first decision in a “digital divide” case not only in Slovakia but also in Europe.”<sup>1</sup>

Unfortunately, in 2024, the appeals court ruled against the plaintiff and in favour of the government, over-turning the original groundbreaking decision. The plaintiff and the Center for Civil and Human Rights are appealing.

Additionally, two outcomes in 2023 related to ‘solidarity with affected communities’: two organisations identified changes in the efforts or commitment from other digital and human rights organisations to support the specific communities, or feelings of being ‘validated and seen’ through their collaboration. We also identified outcomes relating to increased agency or representation of affected communities in legal proceedings, and changes in conditions for individuals affected by digital rights violations. Many of these related to cases working with specific communities including Roma and Rohingya Communities, and specific groups of ‘workers’, like Uber drivers.

<sup>1</sup> Center for Civil and Human Rights: <https://poradna-prava.sk/en/news/landmark-victory-in-digital-divide-and-access-to-education-case/>



## 5.5. 2024

Following litigation from the Campaign against Homophobia, the Polish Court's ruling from February 2023 (concerning the excessive length of proceedings in cases of online hate speech and homophobia) mobilised the prosecutor's office to undertake some important actions to pursue justice for victims of hate speech and homophobia (who has since submitted indictment acts, and secured convictions for some of the cases).

In March, a **district court ruled** in favour of a civil society group called SIN (an organisation helping drug users with harm-reduction techniques) and against Facebook, stating that the removal of SIN's Facebook and Instagram pages by Facebook was unlawful because the platforms' decisions were not properly justified and SIN was not able to effectively contest them.

According to Panoptopykon, who coordinated the litigation, this was the first lawsuit in Poland involving private censorship on Facebook and Instagram, and the first one where a court ruled in favour of the organisation that contested the arbitrary blocking.

This marked a great success for Panoptopykon and SIN, and an important day for online freedom of expression. This case goes back to 2018 and was one of the first ever grants we approved. Meta is appealing the decision so the litigation continues.

Panoptopykon believe the case also influenced the Polish implementation of the Digital Services Act, with the Polish government agreeing to add a special fast-track procedure in the Polish law that will make the judicial redress in content moderation disputes much easier and accessible for users who would like to challenge unfair platforms' decisions.

In the Netherlands in July, the **National Institute on Human Rights ruled** that ING bank discriminates against customers based on their ethnicity. The Public Interest Litigation Project (PILP) had supported three ING customers to make the complaint, arguing that ING used an automated decision-making process, which resulted in people with "non-Dutch sounding" names being flagged as potential terrorists and having their accounts frozen. The ruling applies to all financial institutions in the Netherlands that use similar screening methods.

In November, the Italian **DPA fined food delivery platform Glovo EUR 5 Million**, and demanded corrective action from the platform. Tracking Exposed (now rebranded as Reversing.Works) had filed a complaint to the DPA in 2022 following research and based on evidence indicating surveillance of and retaliation against Glovo courier riders. As well as the fine against Glovo, Reversing.Works' findings were taken into account in the case and the corrections of the serious violations mentioned in the list of corrective measures. Reversing.Works believes that this is one



of the first cases where the practices used to rank and penalise riders have been found to be unlawful. It is likely to be used as an example to judge many other platforms using algorithms.

Also in November, the **European Commission decided that Meta** had breached EU antitrust rules by tying its online classified ads service Facebook Marketplace to its personal social network Facebook and by imposing unfair trading conditions on other online classified ads service providers. This resulted in a fine of €798 million. This resulted from a complaint by the British Institute of International and Comparative Law (BIICL) in 2021 about Meta's exploitative data practices. The European Commission decided not to enforce against Meta's exploitative abuses, but instead pursued a case against Facebook's abusive practices in Facebook Marketplace.

## 6. Impact on the Digital Rights Community

Outcomes under the digital rights community area most commonly relate to building connections and coalitions with other organisations – one of DFF's key objectives. For example, our support helped a group of more than 20 civil society organisations, including Open Rights Group, Panoptikon and Civil Liberties Union for Europe, better coordinate to enable the **submission of complaints to Data Protection Authorities** across Member States against real time bidding in the adtech industry. A **pre-litigation research grant** to Digital Republic Bulgaria to prepare for litigation challenging restrictions on exceptions to copyright enabled collaboration and connections across five EU countries with Defesa dos Direitos Digitais (Portugal), Homo Digitalis (Greece), Centrum Cyfrowe (Poland), and Association for Technology and Internation (Romania) all contributing to the research.

In 2023, DFF support facilitated new collaboration between European Human Rights Advocacy Centre and Access Now, following which they made a **joint submission** to the UN Universal Periodic review on digital rights violations resulting from the use of Pegasus spyware by Azerbaijan. Pre-litigation funding also enabled a meeting of Europe-based actors involved in or preparing for spyware-related litigation, increasing connections and improving coordination.

Following the positive 2022 decision from the Supreme Court of Spain, Women's Link Worldwide have worked to bring together colleagues from the reproductive justice, digital rights, and feminist and women's rights communities around the world to share with them the standard obtained with the case, the legal strategy used, the challenges faced, and the lessons learned as a tool for their own work.

Public Citizen Foundation and members of the "Digital Trade Alliance" **carried out pre-litigation work** to challenge the European Commission's adequacy decision with Japan, which allows personal data to flow freely between the EU and Japan. The results of the legal research were complemented with extensive work to engage with policymakers and civil society in Europe, Japan and Asia-Pacific to build sustainable relationships to carry the project forward and improve the exchange of information between the regions.



Association Taxi Project [collaborated with Éticas, and Observatorio del Trabajo, Algoritmo y Sociedad](#) to carry out an audit of algorithms used by transport platforms in Spain. The audit identified price patterns and correlation among the prices of the different platforms, indicating indirect fixing of prices through the algorithms, which could be a violation of competition law. Association Taxi Project are now [planning a competition law complaint](#) against these ride-sharing companies.

Following a research grant to ORG, [the “Challenge the Checks” coalition](#) were able to establish a clear a body of evidence relating to issues concerning migrant health, comprising testimony of those with lived experience, expert opinions and legal opinions. As well as being used to help inform future litigation plans, these will be published and shared so others can benefit and use this information to advocate for access to healthcare for migrants.

Others have noted how they were able to increase their knowledge and understanding of relevant case law and legal strategies to challenge a particular violation, and sometimes become one of the “go-to” experts. For example, in Poland, building on the [SIN vs Facebook case](#) that started in 2018, Panoptikon became more recognised in the area of content moderation among general public, journalists, and digital rights groups. Related to this, another DFF grant recipient, GFF submitted [an amicus curiae brief](#) in the proceedings led by Panoptikon in Poland, related to the prevention of “private censorship” on large online platforms.

Even in situations where the project has ended before litigation can go ahead, due to strategic changes or the political context, we still see some important impacts. In one example, the organisation reported that even though they pulled out of the litigation, following their pre-litigation work they were better perceived as an important stakeholder in the digital rights field in their country and built closer relationships with regulators, agreeing on joint advocacy efforts to challenge digital rights violations.

We have also seen many examples of how pre-litigation research grants have yielded important outcomes for the organisations themselves, equipping them with greater information, knowledge, strategies, and networks to begin their litigation:



GFF carried out research, met with partners and received a legal opinion to prepare for litigation to challenge privacy violations through the Central Register of Foreigners, a database of all individuals living or residing in Germany without German citizenship. The [research helped show](#) that refugees are particularly affected, since their biometric data as well as information on health, education and family is stored in the register. Following the pre-litigation work in 2023, supported by GFF, PRO ASYL and the Lesbian and Gay Association of Germany (LSVD), eleven people of refugee background [filed a constitutional complaint](#) against the law controlling the Register.



Strali for Strategic Litigation (Strali) [completed their research](#) on strategic paths to challenge the use of facial recognition technology by law enforcement and judicial authorities in Italy in 2023, publishing two complementary reports outlining their litigation strategy and mapping the use of facial recognition technologies in Italy, an important achievement and building block for future litigation and resource for the wider field.



[Iuridicum Remedium \(IuRe\)](#), IuRe are preparing to start litigation that will focus on the illegal collection of patient contact information, which started to take place without a legal basis during the COVID-19 pandemic.

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In Spain, [Xnet completed research](#) in 2021 on the ways in which Spanish data protection legislation fails to properly respect European data protection standards on this issue, and in December 2022, they filed a complaint to the Spanish Data Protection Agency (the AEPD), who indicated that they would investigate the complaint.

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In the Netherlands, PILP [completed pre-litigation research](#) showing that the “Top 400” –a programme that profiles minors and young adults to predict the 400 most likely to commit serious crimes– is built on surveillance, policing and stigmatisation of children and their families. PILP and its partners are currently meeting with people affected by the Top 400 to see what this community needs and to explore the possibilities of possible strategic proceedings. PILP and its partners both contributed to the documentary [Mothers](#) and the theater piece (this conversation is) Off the Record, both by Nirit Peled.

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In preparation for litigation, La Quadrature du Net [published their analysis](#) of the scoring algorithm used in the French welfare system. They assess that socio-economic variables have unjustified weight in the calculation of the score, structurally disadvantaging people in precarious situations. The algorithm functions like a “double penalty”: it targets those who are most oppressed or marginalised already.

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Center for Intimacy Justice (CIJ) has [completed pre-litigation research](#) and is now preparing for litigation enforcing the EU Digital Services Act (DSA) to address gender-based censorship by Meta platforms and other Very Large Online Platforms (VLOPs). CIJ found that Meta systematically suppresses information about women’s sexual and reproductive health, misclassifying it as “sexual/adult” despite allowing mass erectile dysfunction and men’s health ads.

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Check out more pre-litigation research projects on our [case study page](#).

By the end of 2024, 58 individual instances of [DFF-supported litigation](#) and 23 [pre-litigation research grants](#) had been completed, with over 50 DFF-supported cases and 18 pre-litigation research projects ongoing.

We intend to publish updated versions of this outcomes report on a regular basis to highlight the new and ongoing digital rights impacts achieved by the community through their strategic litigation.



## 7. List of Organisations Who Have Received Grants

Below is a list of the organisations to whom we have provided grants. Check out their websites to see detail about more of the great work they are all doing. Some organisations are not yet listed due to their work being in the early stages or too sensitive to publicise.

1. A11 - Initiative for Economic and Social Rights
2. AI Forensics
3. Association STRONGER TOGETHER Skopje
4. Association Taxi Project 2.0
5. Big Brother Watch
6. Border Violence Monitoring Network
7. British Institute of International and Comparative Law (BIICL)
8. Campaign Against Homophobia
9. Centre for Women's Justice
10. Center for Civil and Human Rights (Poradňa)
11. Center for Intimacy Justice
12. Child Poverty Action Group
13. Civil Liberties Union for Europe
14. defenddigitalme
15. Digital Republic (Bulgaria)
16. Digital Rights Ireland
17. epicenter.works
18. European Human Rights Advocacy Centre
19. Foxglove
20. Front-lex
21. Gesellschaft für Freiheitsrechte (GFF)
22. Global Legal Action Network
23. KDBM Law
24. Háttér Society
25. Homo Digitalis
26. Hungarian Civil Liberties Union
27. I Have Rights
28. Iridia - Center of Defence of Human Rights
29. Iuridicum Remedium
30. IUS Omnibus
31. Joint Council for the Welfare of Immigrants
32. K-Monitor
33. La Quadrature du Net
34. Liberty (National Council for Civil Liberties)
35. MedConfidential
36. Moje Państwo Foundation
37. Norwegian Consumer Council
38. noyb - European Center for Digital Rights
39. Open Knowledge Foundation
40. Open Knowledge Foundation Germany
41. Open Rights Group
42. Panoptikon Foundation
43. Partners for Democratic Change Serbia
44. Platform Bescherming Burgerrechten
45. Privacy International
46. Privacy First
47. Public Citizen
48. Public Interest Litigation Project
49. Reversing.Works
50. StraLi for Strategic Litigation
51. Women on Web
52. Women's Link Worldwide
53. Worker Info Exchange
54. Xnet

# About the Digital Freedom Fund

The Digital Freedom Fund supports strategic litigation to advance digital rights in Europe. With a view to enabling people to exercise their human rights in digital and networked spaces, DFF provides financial support for strategic cases, seeks to catalyse collaboration between digital rights activists, and supports capacity building of digital rights litigators. DFF also helps connect litigators with pro bono support for their litigation projects. To read more about DFF's work, visit: [www.digitalfreedomfund.org](http://www.digitalfreedomfund.org).

