

Men's Journal Wins Motion to Dismiss Over Data Sharing Practices

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Men's Journal recently obtained the dismissal of a putative class action lawsuit alleging that it failed to disclose its information sharing practices in compliance with California's "[Shine the Light](#)" law. Under the law, companies that share personal information with third parties for those third parties marketing purposes have specific disclosure requirements, namely to provide statutorily-required disclosures about their practices or options about whether information is shared for such purposes. The court held that the plaintiff had failed to allege sufficient ground for standing, dismissing in turn the plaintiff's three arguments in that regard. Among these arguments was a claim by the plaintiff that by failing to provide the contact information, he was denied information as required by law. According to the court, not having this information – in itself – was not sufficient damage to give rise to standing. The plaintiff also argued that he was economically harmed because the *Journal* sold his information – depriving him of the ability to do so himself. However, the court noted, selling information is not in itself prohibited by the statute. The case was dismissed without prejudice, and as such, the plaintiff may possibly seek to re-file after amending its pleadings.

TIP: While this case was dismissed, it still serves as a reminder to companies that share information with third parties for those third parties' marketing purposes. If companies that share with others for these purposes share information of California residents, the companies should ensure that they have the appropriate disclosures/choices as required by California's Shine the Light law.

1 Min Read

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