

## Facebook Files Lawsuit Against App Developer for Displaying Outdated User Data

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Facebook recently filed a federal lawsuit in California against a former application developer, Profile Technology Ltd., alleging the New Zealand-based company violated the Facebook terms of service when it continued displaying outdated user data on its site, Profile Engine, after Facebook revoked its limited license to access Facebook platform. This access allegedly occurred through a third party application called “Wibiya,” including a toolbar that allowed Profile Engine visitors to connect their Facebook Timelines to the app. Facebook further claims that Profile Technology refused demands to return or delete user data. The allegedly outdated information includes users’ names, profile photos, friend lists, groups and pages to which users had connected, school, work, and location information, as well as postings that users may have deleted from Facebook’s services. According to the complaint, Profile Technology displayed user data that no longer reflected those users’ current privacy or search settings, thus “taint[ing] the Facebook experience for Facebook users.” The complaint claims these violations of the Facebook Developer Terms constitute a breach of contract and requests injunctive relief. Specifically, Facebook requests an order requiring that Profile Technology delete all user data collected from Facebook, refrain from accessing, collecting, retaining, and displaying additional data (including through third parties), and remove all references to Facebook from the site.

**Tip: This case further demonstrates Facebook’s willingness to enforce its Developer Terms as a contract with companies that obtain a license to use Facebook’s API for application development. Careful review of the applicable Terms and obtaining Facebook’s permission for certain applications could help mitigate the risk of legal action for violations of the Terms.**

*This tip has been created for information and planning purposes. They are not intended to be, nor should they be substituted for, legal advice, which turns on specific facts.*

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