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## Zoom Faces Questions About Privacy, Security of Video App

Zoom Video Communications, Inc., which has seen usage of its video conferencing app skyrocket during the COVID-19 pandemic, is facing new questions about whether its protections for user privacy are adequate.

“Zoom’s failure to implement adequate security protocols and failure to provide accurate disclosures to its users violated those users’ privacy and falls well short of Zoom’s promises,” said a lawsuit filed yesterday in U.S. District Court for the Northern District of California.

Zoom is also facing questions from New York Attorney General Letitia James (D.) about its privacy practices, according to a report in “The New York Times.” AG James sent the San Jose, Calif.-based company a letter yesterday seeking information about whether its security and privacy efforts were adequate to deal with the increase in users, the Times reported.

The lawsuit filed in California by a resident of Sacramento, Calif., alleges that Zoom violated the California Consumer Privacy Act (CCPA) and various other state laws and federal torts. It seeks class-action status on behalf of the plaintiff, Robert Cullen, and other Zoom users (“Robert Cullen, individually and on behalf of all others similarly situated, v. Zoom Video Communications, Inc.,” case 5:20-cv-02155-SVK).

The lawsuit cites a March 26 report in “Motherboard” that the Zoom app “notifies Facebook when the user opens the app, details on the user’s device such as the model, the time zone, and city they are connecting from, which phone carrier they are using, and a unique advertiser identifier created by the user’s device which companies can use to target a user with advertisements.”

Following that report, on March 27, Zoom announced it had released an update to the app that would stop it from automatically sending data to Facebook. “We sincerely apologize for the concern this has caused and remain firmly committed to the protection of our users’ privacy. We are reviewing our process and protocols for implementing these features in the future to ensure this does not happen again,” the company said.

Zoom also updated its privacy policy. “At Zoom, ensuring the privacy and security of our users and their data is our top priority. We want to address recent concerns about Zoom’s privacy policy,” the company said.

“We want to emphasize that Zoom does not sell our users’ data; Zoom has never sold user data in the past and has no intention of selling users’ data going forward; Zoom does not monitor your meetings or

its contents; Zoom complies with all applicable privacy laws, rules, and regulations in the jurisdictions within which it operates,” including the CCPA and the European Union’s General Data Protection Regulation, it added.

But Zoom’s efforts to improve its privacy practices were not enough for Mr. Cullen, who noted in his lawsuit that the company’s stock price had “skyrocketed” during the pandemic as companies sought ways to communicate with homebound workers. “Naturally, consumers have flocked to Zoom and other web conferencing vendors as a means to more safely maintain closeness with friends and loved ones and conduct business,” the lawsuit said.

“Defendant’s statements regarding the inviolability of its users’ privacy and personal information are false because defendant’s wholly inadequate program design and security measures have resulted, and will continue to result, in unauthorized disclosure of its users’ personal information to third parties, including Facebook,” it said.

Zoom’s updating its app to eliminate automatic data-sharing with Facebook doesn’t mitigate the damage already done to users, the lawsuit claims. “Even assuming this updated version works as described by Zoom, the harm to plaintiff and the class members has been done and continues,” it said.

“Zoom appears to have taken no action to block any of the prior versions of the Zoom app from operating,” it noted. “Thus, unless users affirmatively update their Zoom app, they likely will continue to unknowingly send unauthorized personal information to Facebook and perhaps other third parties,” it added.

The lawsuit seeks actual and punitive damages and injunction relief. —Tom Leithauser, [tom.leithauser@wolterskluwer.com](mailto:tom.leithauser@wolterskluwer.com)

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