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APPLICATION
Pursuant to art. 22(1) GDPR and art. 35(1) UAVG

District court of Amsterdam

applicants in these proceedings are:

1.   [**Applicant 1**];

2.   [**Applicant 2**];

3.   [**Applicant 3**];

4.   [**Applicant 4**];

all electing their domicile in this respect in (1019 AZ) Amsterdam at the address Panamalaan 6G, at the offices of Ekker Advocatuur, of which Mr. A.H. Ekker will be appointed as lawyer and will act as such.

The defendant is the **limited liability company UBER BV**, having its registered office and principal place of business in (1097 DP) Amsterdam at the address Meester Treublaan 7, hereinafter also referred to as 'Uber BV' or 'Uber'.

1. INTRODUCTION

1.   [applicant 1], [applicant 2] and [applicant 3] are based in the United Kingdom. [applicant 4] is based in Portugal. The applicants have all worked for Uber BV as a private hire driver.

2.   Uber Technologies, Inc. (commonly known as 'Uber') is an American company that operates in 67 countries. The activities giving rise to this petition were conducted through Uber BV, one of the subsidiaries of Uber Technologies Inc. All references to Uber in this petition therefore (also) refer to Uber BV

3.   Via its mobile applications (the Uber App and the Uber Driver App), Uber brings its customers into contact with licensed drivers. Worldwide, 3.9 million drivers work for Uber, of which an estimated several hundred thousand in the EU and 43,000 in London. In 2016, the English court ruled that the relationship between Uber and the drivers should be classified as an employment relationship under the law of England and Wales.

4.   The Applicants have individually received a message from Uber BV informing them that their Uber Driver account has been deactivated because – in short – Uber has determined that they have violated applicable Uber terms and conditions and are guilty of fraudulent activities. Uber refers to various documents in this respect, including the Driver Terms, the 'partner agreement', the 'Services Agreement' and the 'Community Guidelines' (Exhibit 1, Annexes 1 to 4). It appears from the said reports that Uber has taken the following decisions with regard to the Applicants (hereinafter: 'the Decisions'):

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- the decision in which Uber finds that the Applicants have violated their contractual obligations towards Uber;

- the decision to terminate the cooperation with the applicants;

- the decision to deactivate the Applicants' Uber Driver account.

5. The applicants deny that they have been guilty of fraud and are of the opinion that there is therefore no breach of the applicable conditions. They also take the position that Uber is acting in breach of art. 22 para.1 GDPR by making use of automated decisions in this context. The Applicants therefore summoned Uber by letter dated 9 September, among other things, to undo the deactivation of their accounts and to take all other measures to enable the Applicants to resume their work for Uber BV (Exhibit 1).

6. Uber takes the position that the Decisions "were not taken solely on the basis of automated processing of personal data" as the applicants' suspicious activities were assessed by employees of Uber. Uber therefore sees no reason to revoke the deactivation of applicants (Exhibit 2).

7. In view of the foregoing, the Applicants are applying to your court with a request - in short - to annul the Decrees and order Uber to reverse the deactivation of the Applicants' Uber Driver accounts.

2. BACKGROUND

8. Uber is one of the largest providers of mobile platforms worldwide and bases its business operations to a large extent on the use of Artificial Intelligence (AI) and algorithms. Forbes magazine wrote the following about this:

    AI is so central at the company, whether or not it should be used is not even a question anymore.

    "We don't even think about it anymore," Uber director of product Jairam Ranganathan said today at VB Transform, an AI-focused conference. "It's kinda like not thinking about computers."

    In other words, machine learning and neural networks are now core to just about every business process. Uber uses AI for fraud detection, risk assessment, safety processes, marketing spend and allocation, matching drivers and riders, route optimization, driver onboarding, and just about everywhere else it's possible to apply.[1]

9. According to information on its website, Uber uses Mastermind, an advanced software system, to detect fraud, which Uber describes as "a rules engine that can detect highly evolved forms of fraud in a fraction of a second".[2]

10. Mastermind can automatically block access to the Uber platform when a user is identified as a 'high risk user':

    For example, if Mastermind determines a user has moderate risk for fraudulent activity, it slows down their ride request velocity to allow the system more time to analyze the user. At the extreme end of the spectrum, if

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[1] Forbes magazine, 22 August 2018, *Uber Might Be The First AI-First Company, Which Is Why They 'Don't Even Think About It Anymore'.*

[2] See https://eng.uber.com/mastermind/

Mastermind determines a user has high risk, it may reject their ride request and ban them.[3] *(Attorney's underline)*

11. Uber's premise is that alleged fraudulent activity is automatically detected and sanctioned and that human involvement is only addressed in exceptional circumstances, when Uber believes that a rule determined by Mastermind is not accurate enough:

   […] we need to continually improve Mastermind to automatically evaluate the effectiveness of rules over time. We also plan to send cases for manual review if confidence in the rule isn't high enough. (underlining lawyer)

12. The foregoing is also expressed in Uber's Privacy Notice:

   2. Safety and security.

   We use personal data to help maintain the safety, security, and integrity of our services and users. This includes: […] Using device, location, profile, usage, and other data to prevent, detect, and combat fraud or unsafe activities.

   […]

   9. Automated decision-making
   We use personal data to make automated decisions relating to use of our services. This includes: […] Deactivating users who are identified as having engaged in fraud or activities that may otherwise harm Uber, its users, and others. In some cases, such as when a user is determined to be abusing Uber's referral program, such behavior may result in automatic deactivation.

   3. LEGAL FRAMEWORK

13. With regard to the personal data that Uber processes about them, the applicants can be regarded as data subjects within the meaning of art. 4 part 1 GDPR. After all, the relevant data can be traced back to applicants, for example via the account data (name, address, telephone number, etc.) in the Uber Driver App.

14. Uber BV and Uber Technologies Inc. act as data controller for the processing of personal data collected in connection with the use of Uber's services in the European Economic Area and the United Kingdom (see the Uber Privacy Notice, (Exhibit 3). To the extent that Uber BV and Uber Technologies Inc. act as joint controllers, the applicants choose to exercise their rights against Uber BV, in accordance with the provisions of Article 26 paragraph 1 GDPR

   Automated decision-making and profiling

15. Article 22 GDPR reads:

   1. *The data subject shall have the right not to be subject to a decision based solely on automated processing, including profiling, which produces legal effects concerning him or her or similarly significantly affects him or her.*

   2. *Paragraph 1 shall not apply if the decision:*

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[3] Ibid

1. *is necessary for entering into, or performance of, a contract between the data subject and a data controller;*
2. *is authorised by Union or Member State law to which the controller is subject and which also lays down suitable measures to safeguard the data subject's rights and freedoms and legitimate interests; or*
3. *is based on the data subject's explicit consent.*

3. *In the cases referred to in points (a) and (c) of paragraph 2, the data controller shall implement suitable measures to safeguard the data subject's rights and freedoms and legitimate interests, at least the right to obtain human intervention on the part of the controller, to express his or her point of view and to contest the decision.*

4. *Decisions referred to in paragraph 2 shall not be based on special categories of personal data referred to in Article 9(1), unless point (a) or (g) of Article 9(2) applies and suitable measures to safeguard the data subject's rights and freedoms and legitimate interests are in place.*

16. The GDPR defines profiling as follows:

    'profiling' means any form of automated processing of personal data consisting of the use of personal data to evaluate certain personal aspects relating to a natural person, in particular to analyse or predict aspects concerning that natural person's performance at work, economic situation, health, personal preferences, interests, reliability, behaviour, location or movements;

17. When applying profiling, Uber must use appropriate mathematical and statistical procedures and take technical and organizational measures to ensure fair and transparent processing for the data subject, including to correct inaccuracies in personal data and to minimize the risk of errors. Discriminatory consequences of profiling must also be avoided (Recital 71 GDPR). These conditions are also laid down in the general principle of "proper data processing" ("fair" in the English version) on the basis of article 5(1) paragraph 1a GDPR.

    Meaningful human intervention
18. Article 22 paragraph 1 GDPR concerns decisions that are "exclusively" based on automated processing. This means that there is no human intervention in the decision process, according to the European Data Protection Board (EDPB) (formerly the Article 29 Working Group) (Exhibit 5, p. 24). The controller cannot avoid the requirements of art. 22 GDPR by fabricating human involvement; human intervention should be meaningful.

19. The EDPB explains this as follows:

    > *Example*
    > *An automated process produces what is in effect a recommendation concerning a data subject. If a human being reviews and takes account of other factors in making the final decision, that decision would not be 'based solely' on automated processing.*

    The controller cannot avoid the Article 22 provisions by fabricating human involvement. For example, if someone routinely applies automatically generated profiles to individua ls without any actual influence on the result, this would still be a decision based solely on automated processing.

To qualify as human involvement, the controller must ensure that any oversight of the decision is meaningful, rather than just a token gesture. It should be carried out by someone who has the authority and competence to change the decision. As part of the analysis, they should consider all the relevant data.

As part of their DPIA, the controller should identify and record the degree of any human involvement in the decision-making process and at what stage this takes place.

20. The Information Commissioner's Office (ICO), the privacy regulator in the United Kingdom, has further explained which conditions meaningful human intervention must meet (Exhibit 6, p. 98 - 99.):

    Regardless of their relative merits, automated decisions are treated differently to human decisions in data protection law. Specifically, Article 22 of the GDPR restricts fully automated decisions which have legal or similarly significant effects on individuals to a more limited set of lawful bases and requires certain safeguards to be in place.

    *By contrast, the use of decision support tools which only **support** human decision-making are not subject to these conditions. As a result of these restrictions and safeguards, automated decision-making arguably carries a higher risk than human decision-making (even though it may in some cases mitigate some of the risks of human decision-making).*

    *If you decide to use AI only to **support** human decision-making, you should be aware that a decision does not fall outside the scope of Article 22 just because a human has 'rubber-stamped' it. The human input needs to be **meaningful**. The degree and quality of human review and intervention before a final decision is made about an individual are key factors in determining whether an AI system is being used for automated decision-making or merely as decision-support.*

    Ensuring human input is meaningful in these situations is not just the responsibility of the human using the system. Senior leaders, data scientists, business owners, and oversight functions, among others, are expected to play an active role in ensuring that AI applications are designed, built, and used as intended.

    If you are deploying AI systems which are designed as decision support tools, and therefore are intended to be outside the scope of Article 22, you should be aware of existing guidance on these issues from both the ICO and the EDPB.
    The key considerations are:

    - *human reviewers must be involved in checking the system's recommendation and should not just apply the automated recommendation to an individual in a routine fashion;*

    - *reviewers' involvement must be active and not just a token gesture. They should have actual 'meaningful' influence on the decision, including the 'authority and competence' to go against the recommendation; and*

    - *reviewers must 'weigh-up' and 'interpret' the recommendation, consider all available input data, and also take into account other additional factors.*

21. The ICO points to two important factors in this respect: *automation bias* and *lack of interpretability* (Exhibit 7, p. 3). Both can lead to the conclusion that decisions are based solely on automated processing ("solely automated"):

    What do we mean by automation bias?

AI models are based on mathematics and data, and because of this people tend to think of them as objective and trust their output.

The terms automation bias or automation-induced complacency describe how human users routinely rely on the output generated by a computer decision-support system and stop using their own judgment, or stop questioning whether the output might be wrong. If this happens when using an AI system, then there is a risk that the system may unintentionally be classed as solely automated under the law.

What do we mean by lack of interpretability?
Some types of AI systems, for example those using deep learning, may be difficult for a human reviewer to interpret.

If the inputs and outputs of AI systems are not easily interpretable, and other explanation tools are not available or reliable, there is a risk a human will not be able to meaningfully review the output of an AI system.

If meaningful reviews are not possible, the reviewer may start to just agree with the system's recommendations without judgment or challenge, this would mean the decision was 'solely automated'.

22. The ICO lists several aspects that are important in assessing the mentioned risks. Among other things, it is important that all relevant factors are taken into account (Exhibit 7, p. 6):

> *If human reviewers can only access or use the same data used by the AI system, then arguably they are not taking into account other additional factors. This means that their review may not be sufficiently meaningful and the decision may end up being considered solely automated under GDPR.*
>
> *If needed, organizations have to think about how to capture additional factors. For example, getting the human reviewers to interact directly with the person the decision is about to gather such information.*

23. The following aspects are important in assessing interpretability (Exhibit 7, p. 7):

- *Can the human reviewer predict how the system's outputs will change if given different inputs?*

- *Can the human identify the most important inputs contributing to a particular output?*

- *Can the human identify when the output might be wrong?*

24. Finally, the ICO points out the importance of good training:

> *Training is pivotal to ensuring an AI system is considered non-solely automated.*
>
> *As a starting point, human reviewers should be trained:*

- *to understand how an AI system works and its limitations;*

- *to anticipate when the system may be misleading or wrong and why;*

- *to have a healthy level of skepticism in the AI system's output and given a sense of how often the system could be wrong;*

- *to understand how their own expertise is meant to compliment the system, and be provided with a list of factors to take into account;*

- *and to provide meaningful explanations for either rejecting or accepting the AI system's output - a decision they should be responsible for. A clear escalation policy should also be in place.*

In order for the training to be effective, it is important that human reviewers have the authority to override the output generated by the AI system and they and are confident that they will not be penalized for so doing. This authority and confidence cannot be created by policies and training alone: a supportive organizational culture is also crucial.

Transparency obligation

25.   The controller must inform the data subject about the processing of his personal data. This information must be based on art. 13 paragraph 2 sub f) and art. 14 (2) (g) GDPR also relate to:

the existence of automated decision-making, including the profiling referred to in Article 22 (1) and (4), and, at least in those cases, useful information about the underlying logic, as well as the importance and the expected consequences of that processing for the data subject.

Accountability

26.   The controller must ensure that personal data are processed in a manner that is lawful, proper and transparent with regard to the data subject and must be able to demonstrate compliance with these principles (art. 5(2) and art. 5(1) a GDPR). The burden of proof with regard to the conditions that the GDPR imposes on automated decision-making therefore rests with Uber.

Petition in case of refusal of a request on the basis of art. 22 GDPR

27.   If the controller is not an administrative body and the Awb therefore does not apply, the data subject can follow the application procedure from the Code of Civil Procedure. Article 35 paragraph 1 of the General Data Protection Regulation Implementation Act (UAVG) reads:

Where a decision on a request as referred to in Section 34 is taken by a body other than an administrative body, the interested party may file a written application with the court to order the controller to grant or refuse the request referred to in Articles 15 to 22 of the Regulation.

28.   Proceedings against a controller can be brought in the courts of the Member State where the controller has an establishment (art. 79 (2) GDPR).

4.   UBER DECISIONS ARE AUTOMATED DECISIONS

29.   The Decisions must be regarded as automated decisions within the meaning of art. 22 para.1 GDPR. These decisions are, according to the Uber website, based exclusively on automated processing of personal data of applicants, while there is no significant human intervention. Moreover, these decisions have legal consequences for the applicants, or at least they affect the applicants to a considerable extent.

Exclusively based on automated processing of personal data, including profiling ('solely automated')

30.   It is clear that the decisions with regard to applicants are exclusively based on automated processing of personal data. This is evident from Uber's Privacy Notice and other information disclosed by Uber on its website.

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31. The lack of meaningful human intervention in the contested decisions is further evidenced by the fact that the deactivation messages sent by Uber contain largely standardized and very general texts. These texts do not specifically explain what specific fraudulent acts the applicants are alleged to have committed. This also applies to the replies that the applicants received to questions about the deactivation.

32. Moreover, the aforementioned decisions are (partly) based on profiling within the meaning of art. 22 paragraph 1 and art. 4 part 4 GDPR. According to its Privacy Notice, Uber processes large amounts of data from applicants, among other things with the aim of analyzing personal aspects of applicants, such as professional performance, reliability, behavior, location and travel.

Legal consequences

33. The contested decisions have legal consequences for the applicants, since those decisions led to an immediate termination of the employment contract between Uber and applicants, or at least to the immediate termination of their cooperation.

34. The applicants are also significantly affected by the contested decisions. After all, as a result of the deactivation of their Uber Driver account, applicants cannot perform work via Uber BV. This leads to considerable loss of income and in some cases to damage, for example due to the fact that the applicants made investments in obtaining licenses and purchasing a car turn out to have been for nothing.

35. In addition, deactivation by Uber may result in a driver's taxi license being revoked. Uber is legally obliged to report any decision to deactivate or dismiss to the regulator. The App Drivers & Couriers Union (ADCU) indicates that the regulator regularly calls drivers for a reassessment interview in response to such reports. This puts drivers in a difficult situation because Uber barely explains the deactivation decision.

No meaningful human intervention

36. Uber takes the position that the activities of applicants have been assessed by "specialized employees". However, apart from a general and unsubstantiated assertion in the response to the petitioners' summons, Uber has not further substantiated that this constitutes meaningful human intervention.

37. In particular, Uber has not demonstrated that the employees involved in automated decision-making:

   - have a meaningful influence on the decision, which means, among other things, that they must have the 'authority and competence' to oppose this decision;

   - 'weigh' and 'interpret' the recommendation of Uber's artificial intelligence system, considering all available data and taking into account additional factors;

   - can predict how the 'output' of the system will change if the 'inputs' are adjusted;

   - are able to determine which input contributed the most to a specific output;

- are able to determine when the output is incorrect;

- have been trained by Uber to:

  (1) understand how the artificially intelligent system works and the limitations of the system;
  (2) anticipate when the results are misleading or false;
  (3) be sufficiently skeptical of the output of the artificially intelligent system and have an impression of how often the system is wrong;
  (4) understand how their own expertise is needed to complement the system, providing them with a list of factors to be taken into account in that light;
  (5) provide a meaningful explanation for rejecting or accepting the output of the artificially intelligent system - a decision for which it should be responsible. There must be a clear escalation procedure for this.

38. Even if it is believed that there was any human involvement in the Resolutions, Uber has the burden of proof to demonstrate:

- what information and documentation the relevant Uber employees had at their disposal in reviewing the Resolutions;

- how much time the employees involved spent on the Decisions;

- which specific data, information and documentation have been taken into account by the employees involved in their assessment of each individual decision;

- how the substantiation of the Decisions is recorded in writing.

39. Nor has Uber explained how it ensures that its employees feel entitled to overrule the outcomes of the artificially intelligent system, without fear of retaliation from management. This confidence cannot be obtained solely through policy and training; a supportive corporate culture is also crucial for this, according to the ICO (exhibit 7, p. 9). In this context, Uber must provide statistical information showing what percentage of automated fraud deactivation decisions by Uber employees are modified or overruled.

40. Finally, to avoid automation bias and lack of interpretability, Uber must ensure that employees in charge of human intervention have access to all relevant information and that they consider additional circumstances. This may mean, among other things, that they have to contact the person to whom the automated decision relates directly in order to obtain this information (exhibit 7, p. 6).

41. The said condition is of particular importance in this case because the alleged violations and alleged fraudulent acts of the applicants all presuppose a particular intent or intention of the applicants. This setup cannot be determined by an algorithm alone. Therefore, prior to taking the Decisions, Uber should have contacted the Applicants and at least asked them for an explanation and any further information that might be of importance.

5. NO LEGAL BASIS

42. There is no legal basis for the application of the automated decision-making described above. After all, Uber cannot rely on one of the provisions referred to in art. 22 para.2 GDPR. After all, the applicants have not given explicit permission as referred to in art. 22 para.2 lit.c GDPR. Nor can Uber legally invoke a provision of Union or Member State law as referred to in Art. 22 para.2 lit.b GDPR.

43. The application of automated decision-making was also not necessary *for entering into, or the performance of, a contract between the data subject and a data controller* (art. 22(2) GDPR). After all, the Decisions were not aimed at the implementation of the agreement in force between Uber and the applicants and, in the absence of sufficient substantiation, cannot be regarded as necessary for a legally valid termination thereof.

44. After all, Uber has not demonstrated that the requirement of necessity has been met. This is a condition to be able to validly invoke the exception of art. 22 paragraph 2 a GDPR. The necessity test implies a balancing of the proportionality and subsidiarity of automated decision-making. An infringement of the interests of data subjects must not be disproportionate in relation to the purpose to be served with the processing, and this purpose must not reasonably be possible to achieve in another way that is less disadvantageous for the data subject. The presence of a legal justification, such as recourse to contractual provisions, does not release Uber from this obligation. The circumstances of the case must be taken into account in this assessment.[4]

45. It has already been explained above that the Decisions had major consequences for the applicants. In this light, the application of automated decision-making cannot be called proportional, partly in view of the fact that Uber has failed to take appropriate measures as referred to in art. 22 para 3 GDPR (see. par. 46.) and has violated its legal transparency obligations with regard to automated decisions (see par. 51). In addition, Uber could have pursued its objectives by other effective and less detrimental means, such as by providing rigorous procedures that place full assessment of suspected fraud with human employees.

6. VIOLATION OF THE APPLICANTS' RIGHTS UNDER ART. 22(3) GDPR

46. Even if Uber BV had a legal basis for the application of automated decision-making within the meaning of Art. 22 para. 1 GDPR, which is expressly contested by the applicants, Uber still acted in breach of Art. 22 paragraph 3, which obliges Uber to take:

> *appropriate measures to protect the rights and freedoms and legitimate interests of the data subject, including at least the right to human intervention of the controller, the right to make his point of view known and the right to challenge the decision.*

47. The rights, freedoms and legitimate interests mentioned in this case include the right to property (Article 1, Protocol 1 ECHR), the right to freedom of establishment and the legitimate interest of the applicants to work as an Uber driver.

48. Uber has failed to take the aforementioned measures with regard to the Applicants. After all, Uber did not give the Applicants the opportunity to make their views known or to contest the Decisions. After all, the messages sent by Uber to the applicants explicitly state that the Decisions are final and that the

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[4] Supreme Court 9 September 2011, ECLI: NL: HR: 2011: BQ8097 (Santander), ro 3.3.

applicants will not be given the opportunity to object. For example, the message to [applicant 1] the following (Exhibit1, Appendix 1b):

Unfortunately, this is a final decision, and you will not be granted the opportunity to appeal.

49.   In addition, Uber has not provided applicants with the information they need to be able to exercise these rights in a meaningful manner. First, Uber has failed to explain the grounds for the Decisions in intelligible terms. After all, the messages received by the applicants only contain very generally formulated standard texts.

50.   In short, the applicants ended up in a Kafkaesque situation, in which their rights were violated on the basis of unfounded allegations without being able to defend themselves against this.

7.   VIOLATION OF OTHER LEGAL OBLIGATIONS

51.   Uber BV has not complied with its transparency obligations towards the applicants within the meaning of art. 13, 14 and 15 GDPR. In particular, prior to the application of automated decision-making and / or profiling, applicants did not receive any useful information about the underlying logic thereof, as well as the importance and expected consequences of that processing for applicants.

8.   REQUEST FOR ANNULMENT OF DECISIONS

52.   Uber has not complied with the request of the Applicants to reverse the Decisions, at least to provide for human intervention as referred to in art. 22 par.3 GDPR. Pursuant to art. 22 para.1 GDPR and 22 par.3 GDPR and art. 35 paragraph 1 UAVG, the applicants therefore ask your court to grant these applications.

9.   COMPENSATION

53.   In view of the foregoing, the Decisions constitute an infringement of the applicants' right not to be subject to automated decision-making (art. 22 paragraph 1 GDPR). Uber BV has also acted unlawfully towards the applicants by deactivating the applicants' Uber Driver accounts without good cause.

54.   The Applicants suffered considerable material and immaterial damage as a result of this wrongful act. On the one hand, this damage consists of income foregone by the applicants, as they were unable to perform any work for Uber as a result of the deactivation of their account.

55.   On the other hand, the deactivation had a significant emotional impact for applicants. The sudden loss of their entire income through Uber has created a lot of stress for them. Moreover, the accusation of fraud has significantly damaged the applicants' reputation and reputation, partly in view of the stigmatizing effect of an accusation of fraud, both within the work environment and beyond. Finally, following reports by Uber, several applicants have been confronted with investigations by Transport for London (TFL), which may lead to the revocation of their private hire licenses.

56.   Uber is under Art. 82 para. 1 GDPR is liable for the material and non-material damage suffered by the applicants. Case law provides that compensation for violation of privacy rights for reasons of procedural economy and effectiveness can be included in a petition procedure initiated by the person concerned.[5]

10. PENALTY

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[5] Court of Appeal of The Hague, 1 September 2015, ECLI: NL: GHDHA: 2015: 2332, ro 17.

57. Applicants are requesting the imposition of a penalty of € 10,000. The amount of this penalty payment is justified for various reasons. First, the deactivation of the applicants' user accounts had major financial consequences for them. After all, they have lost their main or only source of income. Applicants therefore have a great interest in Uber canceling this deactivation as soon as possible.

58. Second, the amount of the penalty must be related to Uber's turnover and financial strength. Uber had global revenues of $ 14 billion in 2019. In this light, the claimed penalty can be called proportional.

REASONS WHY:
Applicants respectfully request Your court to:

I. to annul Uber BV's automated decisions regarding the alleged violation of Uber's terms and conditions and/or applicants' alleged fraudulent actions and/or the termination of the agreements between Uber BV and applicants and/or the deactivation of applicants' Uber Driver accounts, or at least declare that the interested party has acted unlawfully towards the applicants by acting in violation of art. 13 GDPR and / or art. 14 GDPR and / or art. 22 para.1 GDPR and / or its obligation to take technical and organizational measures to ensure proper and transparency for applicants;

II. to order Uber BV, within one week of service of the order on this petition, at least within a reasonable period to be determined by your court, to undo the deactivation of the applicants' Uber Driver account, or at least to give the applicants access to a new one. Uber Driver account and take all other measures to enable Applicants to resume their work for Uber;

III. to order Uber BV to pay compensation for the material and immaterial damage suffered by the applicants, plus the statutory interest as referred to in art. 6: 119 BW on these amounts, from the date of submission of this petition until the day of payment;

IV. to order Uber BV, within one month of service of the decision on this petition, or at least within a reasonable period to be determined by your court, to allow the applicants to provide information to applicants on the existence of automated decision-making in a commonly used electronic form, including the profiling referred to in Article 22 (1) and (4), and at least in those cases, useful information on the underlying logic, as well as the importance and expected consequences of that processing for applicants;

V. to order Uber BV to pay a penalty of € 10,000 (ten thousand euros), or at least a penalty to be determined by your court, for each day or part thereof that Uber BV fails to fully comply with one or more of the orders referred to under II and III;

VI. to order Uber BV to pay the costs of these proceedings;

VII. to declare the decision to be made provisionally enforceable;

VIII. to determine a day and hour on which the handling of this request will commence.

Attorney

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This case is being handled by mr. A.H. Ekker, attorney at law

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