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FEBRUARY 3, 2017 | JUDY MILLER

New Ruling by U.S. Supreme Court on Standing to Pursue Litigation

Alleging a “mere statutory violation” is not sufficient to confer Article III standing for a federal cause of action according to a recent ruling of the United States Supreme Court in *Spokeo, Inc. v. Robins*, ___ the U.S. ___, 136 S.Ct. 1540 (2016), in the context of an alleged violation of the Fair Credit Reporting Act of 1970 (“FCRA”), 15 USC 1681e(b) and 1681n(a). In this case, the alleged violation – an inaccurate report placed on a webpage by Spokeo about Robins – created a sufficiently specific “concrete injury in fact” to confer standing to pursue damages in federal court. The issues raised in this case are equally applicable to alleged statutory violations of privacy and alleged data breaches. While recognizing that not all statutory violations entail a degree of risk sufficient to meet “concreteness requirement,” in lieu of determining the ultimate issue – *i.e.*, whether Robins suffered sufficient damages to move forward – the Supreme Court remanded the case to the court below to determine if Robins had alleged sufficient damages beyond the mere violation of his private rights (as opposed to public rights). Thus, at the current time, there remains an open issue as to what constitutes “actual harm” for a party to bring a cause of action in federal court based on a statutory violation.

For the full article on the Spokeo opinion that was published in The Michigan Business Law Journal, Summer 2016, please click here to download it: [Spokeo Article](#).

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