

Privacy Daily Quotes Benesch Partner David Krueger on VPPA Court Rulings

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Benesch Partner **David Krueger** was featured in *Privacy Daily's* article, "*VPPA Decisions Not Always Centered Around Term Definitions, Privacy Lawyers Say.*" The piece explores how recent court decisions are shaping interpretations of the Video Privacy Protection Act (VPPA) of 1988, particularly regarding the definition of "consumer" and the application of the "ordinary person" standard.

Krueger noted that the Second Circuit's ruling in *Solomon v. Flipps Media* reflects judicial differences in interpreting the statute:

"They say, 'All right, we endorsed a broader reading of what it means to be a subscriber and consumer, but by the same token, here's how we feel the statute says in terms of whether or not an ordinary consumer applies.' And the answer is that it does, and the average person can't make heads or tails out of that data being sent to ... Meta."

Krueger also emphasized the practical implications of expanding VPPA liability:

"Just from a practical standpoint, there's already significant enough liability, if you're just looking at renting or subscribing to videotapes [or a] videotape service provider. That by itself ... is already enough to explode it [and] create significant exposure. Are we going to explode it even more, beyond what Congress probably would have rationally intended?"

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