

**Avast Software s.r.o.**

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Avast Holding B.V.

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Avast Software B.V.

Databankweg 26
3821 AL Amersfoort

AVG Ecommerce CY B.V.

Databankweg 26
3821 AL Amersfoort

Gen Digital Inc.

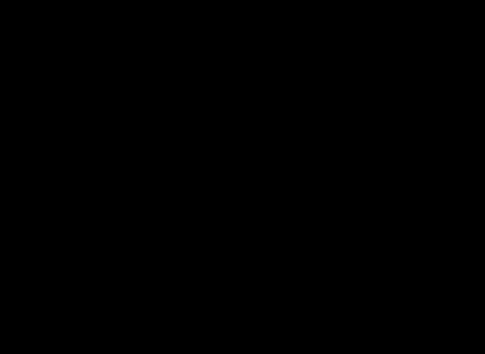
60 E Rio Salado Parkway, Suite 1000
85281 Tempe, Arizona
USA

Norton LifeLock Inc.

60 E. Rio Salado Parkway, Suite 1000
Tempe, Arizona 85281
USA



By e-mail:



Re Avast
Ref 5356
Date 1 March 2024
Place Amsterdam

Dear addressees,

1. **URGENT IMMEDIATE ACTION REQUIRED: FTC ORDER AND PRESERVATION OF EVIDENCE**
 - 1.1. Reference is made to the order between the Federal Trade Commission (“**FTC**”) and Avast dated 22 February 2024 (a) requiring that Avast pay a fine of USD 16.5 million and (b) prohibiting Avast from selling or licensing any unlawfully collected web browsing data for advertising purposes (the “**FTC Order**”).¹ The background of the FTC Order is that Avast and its subsidiaries sold data to third parties, while promising consumers protection from online tracking. We also refer to our letters on behalf of Stichting CUIC--Privacy Foundation for Collective Redress (the “**Foundation**”) dated 29 August 2022, 16 September 2022 and 20 July 2023, addressing the same unlawful conduct (all addressees of these letters: “**Avast et al.**”).
 - 1.2. The Foundation is content with the FTC Order, as it confirms the unlawful behavior of Avast that has raised the Foundation’s concerns. The Foundation continues its pursuit of justice for *all* (Dutch) aggrieved consumers and full compensation for the harm caused.
 - 1.3. In the press release the FTC mentions Data and Model deletion, based on which Avast “must delete the web browsing information transferred to Jumpshot and any products or algorithms Jumpshot derived from that data.” The Foundation assumes the deletion is limited to the data Avast et al. unlawfully collected and surreptitiously sold to third parties.

¹ <https://www.ftc.gov/news-events/news/press-releases/2024/02/ftc-order-will-ban-avast-selling-browsing-data-advertising-purposes-require-it-pay-165-million-over>



2. PRESERVATION OF EVIDENCE

2.1. Given the anticipated proceedings that the Foundation will initiate shortly, we hereby formally request – and to the extent required summon Avast et al. to:

- a. preserve all evidence relevant that is in Avast et al.'s possession or under its control including, but not limited to, documents, emails, text messages, photographs, videos, electronic data, and any other records related to the aforementioned matter and to maintain a detailed record of the data that is deleted. Such record should include (at least, but not only) a detailed description of the types of data, the dates on which it was collected, where it was collected, the parties the information was shared with.
- b. maintain all data that can be used for identifying the aggrieved consumers and the distribution of compensation, including (but not limited to) contact details of Avast's clients.
- c. promptly provide a copy of this email to the FTC.
- d. inform the FTC in the written statements required under A and B of Part III of the FTC Order that Avast et al. are required to retain the above information for the purposes of Dutch proceedings.

2.2. Please confirm in writing within five business days that you will comply with the Foundation's request for evidence preservation failing which the Foundations reserves all rights vis-a-vis Avast et al. and their directors and officers.

3. FINALLY

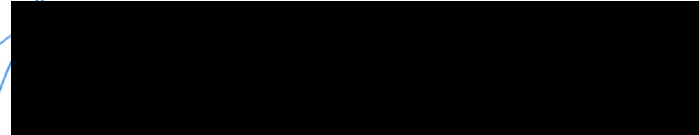
3.1. As Avast et al. knows, the Foundation has registered a large number of victims of the unlawful conduct of Avast who expressly support the claims to be brought by the Foundation. Based on the definition of Relevant Period in our letter dated 29 August 2022, the unlawful conduct started "*(at least) from 2015*" onwards. We notice that the FTC has concluded that the unlawful behavior took place from at least "*2014 through January 2020.*" This makes clear that the unlawful conduct started even earlier than the commencement date that the Foundation was aware of.

3.2. We appreciate that Avast et al. has reflected on its unlawful behavior, especially given the recent developments and the FTC Order. Despite the fact that the Foundation is entitled to initiate proceedings on the basis of art. 3:305a DCC without further notice, the Foundation remains available for negotiations in case Avast et al. is considering taking responsibility for its wrongdoing.



Thank you for your prompt attention to this matter.

Sincerely yours,
Lemstra Van der Korst N.V.



Jurjen H. Lemstra

Martijn N. van Dam