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Spokeo, Inc. v. Robins

136 S. Ct. 1540 (2016)

LINDSAY HILL*

BACKGROUND

Appellant, Spokeo, Inc. (“Spokeo”), operates a “people search engine” that aggregates the personal information of individuals from various public online databases.¹ By inputting an individual’s email address, name, or phone number, any user of the service can view personal information of the party searched. A large portion of information can be seen without paying for Spokeo’s service, but Spokeo also sells extended search services.

The Respondent, Thomas Robins, is a user of the service and asserted that the personal information collected and disseminated on his Spokeo profile (age, employment status, financial standing, marital and family status, and level of education) was inaccurate. Robins consequently filed suit on behalf of himself and similarly situated individuals who had been misrepresented by the Spokeo search results. The complaint alleged a violation of the Fair Credit Reporting Act (FCRA), which requires agencies to maximize information accuracy² and imposes liability for failed compliance.³

PROCEDURAL HISTORY

The district court held that Robins did not properly plead injury-in-fact as required by Article III of the Constitution⁴ and ultimately dismissed Robins’ complaint against Spokeo with prejudice for lack of standing in federal court. However, the Ninth Circuit reversed the district court’s ruling, finding that Robins did properly allege injury-in-fact by claiming that (1) Spokeo violated his personal statutory rights and that (2) he had an individualized interest in his credit information as opposed to collective interest.⁵ Although the Ninth Circuit recognized the constitutional limitations of Congress’ power to confer standing, it relied on case precedent, stating a statutory right violation usually confers standing. Spokeo petitioned for writ of certiorari, which was granted.

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1. Spokeo, Inc. v. Robins, 136 S. Ct. 1540, 1544 (2016).
2. 15 U.S.C. § 1681e(b) (2012).
3. 15 U.S.C. § 1681n(a) (2012).
4. U.S. Const. art. III, § 1.
5. *Spokeo*, 136 S. Ct. at 1544.

ISSUE

The issue in this case was whether Robins had standing in federal court under Article III for an action against Spokeo, an assumed credit reporting agency as defined under FCRA.

DECISION

In an opinion delivered by Justice Alito, the Supreme Court vacated and remanded the case to the Ninth Circuit to determine whether Robins' alleged injury met the "concrete and particularized" standard.⁶ The Court found the Ninth Circuit's analysis of injury-in-fact incomplete since only the "particularized" element was analyzed; the Ninth Circuit failed to determine if Spokeo's alleged violation met the "concreteness" prong that is required to satisfy injury-in-fact under Article III.

REASONING

In determining whether Robins had standing, the Court first noted that the plaintiff bears the burden of sufficiently pleading injury-in-fact by alleging that a violation is both "concrete and particularized." The Court stated that Robins' complaint met the "particularized" prong by claiming Spokeo violated his personal statutory rights. However, in this case, the "particularized" element alone was not sufficient to show injury-in-fact.

The Court continued by stating that the Ninth Circuit erred in determining that concrete *de facto* injuries existed simply because a statutory rights violation was alleged. While an injury may be either tangible or intangible, the injury must be concrete in that it actually exists. To determine whether a tangible or intangible concrete injury existed, the Court suggested looking for a "close relationship" to other violations that had been adjudicated by the courts.

Furthermore, the Court stated that the "concrete" requirement was not automatically satisfied by a statutory violation complaint. A concrete injury was still required even when a statutory violation occurred.

The Court concluded that while a procedural violation may be enough to show injury-in-fact in some cases, this instance was not one of them. Rather, Congress' intent in passing FCRA was to prevent the distribution of misinformation by adopting procedures that decreased the risk of misinformation. The Court stated that the "concrete" element must be demonstrated since it was possible that an alleged violation of FCRA may not actually result in material harm. The Court took no position as to whether injury-in-fact was properly pled. This

6. *Friends of the Earth, Inc. v. Laidlaw Env'tl Servs. Inc.*, 528 U.S. 167, 180-81 (2000).

case was vacated and remanded to the Ninth Circuit for an analysis of whether a “concrete” harm existed.

CONCURRENCE

Justice Thomas wrote a concurring opinion clarifying ways in which the “particularized and concrete” requirement applied to injury-in-fact. He noted that common law courts historically adjudicated suits from plaintiffs alleging private violations of their own rights, including property, private contracts, or personal security. The concrete element may be shown by a violation, such as trespass. While individual claims to public damages may also request relief, the injury must include the “concrete” element to meet the injury-in-fact threshold. However in the case at hand, Robins had no standing without first showing the “concrete” element of injury-in-fact since Spokeo’s alleged violations extended to the public collectively.

DISSENT

In her dissent, Justice Ginsburg, who was joined by Justice Sotomayor, noted that FCRA allowed redress for plaintiffs when the agency, in this case, Spokeo, did not take action to maximize accurateness. Robins asserted that Spokeo inaccurately showed him to be gainfully employed, wealthy, with children, and in possession of a graduate-level degree. Robins asserted that these factors prevented him from finding work, as employers would not hire him given his supposed over-qualifications, family responsibilities, and/or assumption that he would expect a higher pay based on his education level. Given these facts, the dissent stated that Robins’ complaint “carried him across the concrete threshold.” Furthermore, Justice Ginsburg noted that the Court had coupled the “concrete and particularized” requirements in many prior cases and that the Court typically only prevented plaintiffs with general grievances from enforcing their rights. Lastly, Robins properly sought redress for the dissemination of inaccurate information that prevented his ability to secure work, which was far from claiming an incorrect zip code.

