



Jason Kint @jason_kint Fri May 28 18:59:20 +0000 2021

incoming...

google

more unsealed docs, this time in the Google case led by Arizona Attorney General.

The newly unsealed material is underlined in green unsealed this week (left). Last year, Google proactively unsealed less risky material (right) when Judge first ruled. /1 <https://t.co/EQe3UxFxh9>

2 location collection. Ex. 225 (GOOG-GLAZ-00101684) at 684 (Google Now setup interface requiring
3 WAA opt-in without disclosing its connection to location).

4 64. Additionally, until Android Q, an Android user could not directly access the WAA
5 settings on his phone. 7/12/2019 Monsees EUO Tr. at 164:16–166:19.⁴ Instead, a user would have to
6 navigate to the device’s settings, then to a Google link which took the user to his Google Account, then
7 navigate down to WAA. *Id.*

8 65. [REDACTED], David Monsees, [REDACTED]
9 [REDACTED] Ex. 226 (GOOG-GLAZ-00107030) at 030
10 [REDACTED]⁵

11 66. Furthermore, Google has, on multiple occasions, changed the quality and granularity of
12 data collected through WAA without disclosing these changes to users. Before 2014, Google collected
13 “coarse” location information from a user’s WAA. 7/12/2019 Monsees EUO Tr. at 182:23–194:12.
14 Sometime in 2014 or 2015, Google began collecting precise (or “transactional”) location data through
15 WAA. *Id.* In early 2019, Google reverted to collecting only coarse location data from WAA. *See id.* at
16 183:24–184:10; Ex. 227 (GOOG-GLAZ-00084080) at 1 [REDACTED]
17 [REDACTED]

18 67. The change to collecting precise location data in 2014 or 2015 was explicitly tied to, and
19 in part driven by, Google’s desire to “increas[e] the accuracy of locations served on Search and Ads, in
20 turn improving the search experience and increasing Ads revenue.” Ex. 228 (GOOG-GLAZ-00106193)
21 at 194.

22 68. Notably, Google did not make “any changes to the privacy policy, terms and conditions,
23 help desk or help center website . . . that reflected the change.” 7/12/2019 Monsees EUO Tr. at 195:11–
24

25

26 ⁴ At least prior to Android Q, the same was true of the Location History setting. *See* 7/12/2019 Monsees
27 EUO Tr. at 165:13–166:4, 170:6–171:1. Android Q, also known as Android 10, was released on
28 September 3, 2019. *See* <https://www.theverge.com/2019/9/3/20842507/google-android-10-q-pixel-release-download-availability>.

⁵ Footprints is Google’s internal name for the database that stores the information collected by Web &
App Activity. 7/12/2019 Monsees EUO Tr. at 69:15–18.

2 location collection. Ex. 225 (GOOG-GLAZ-00101684) at 684 (Google Now setup interface requiring
3 WAA opt-in without disclosing its connection to location).

4 64. Additionally, until Android Q, an Android user could not directly access the WAA
5 settings on his phone. 7/12/2019 [REDACTED] EUO Tr. at 164:16–166:19.⁴ Instead, a user would have to
6 navigate to the device's settings, then to a Google link which took the user to his Google Account, then
7 navigate down to WAA. *Id.*

8 65. [REDACTED]
9 [REDACTED] Ex. 226 (GOOG-GLAZ-00107030) at 030
10 [REDACTED].⁵

11 66. [REDACTED]
12 [REDACTED]
13 [REDACTED] 7/12/2019 [REDACTED] EUO Tr. at 182:23–194:12.
14 [REDACTED]
15 [REDACTED]. *Id.* [REDACTED] *See id.* at
16 183:24–184:10; Ex. 227 (GOOG-GLAZ-00084080) at 1 [REDACTED]

17 [REDACTED]
18 67. [REDACTED]
19 [REDACTED]
20 [REDACTED] Ex. 228 (GOOG-GLAZ-00106193)
21 at 194.

22 68. Notably, Google did not make “any changes to the privacy policy, terms and conditions,
23 help desk or help center website . . . that reflected the change.” 7/12/2019 [REDACTED] EUO Tr. at 195:11–
24

25
26 ⁴ At least prior to Android Q, the same was true of the Location History setting. *See* 7/12/2019 [REDACTED]
27 EUO Tr. at 165:13–166:4, 170:6–171:1. Android Q, also known as Android 10, was released on
28 September 3, 2019. *See* <https://www.theverge.com/2019/9/3/20842507/google-android-10-q-pixel-release-download-availability>.

⁵ [REDACTED]
[REDACTED] 7/12/2019 [REDACTED] EUO Tr. at 69:15–18.