

Congress of the United States

Washington, DC 20510

May 24, 2022

Sundar Pichai
Chief Executive Officer
Google LLC
1600 Amphitheatre Parkway
Mountain View, CA 94043

Dear Mr. Pichai:

We write to urge you to stop unnecessarily collecting and retaining customer location data, to prevent that information from being used by right-wing prosecutors to identify people who have obtained abortions.

The recent Supreme Court draft opinion shows that the constitutional right to safe, legal abortion — a fundamental right that Americans have known for half a century — is likely to be overturned. If this decision becomes final, the consequences will be dire. Many states that have trigger laws will immediately criminalize abortion. Republicans in Congress are already discussing passing a law criminalizing abortion in all 50 states, putting the government in control of women’s bodies.

We believe that abortion is health care. We will fight tooth and nail to ensure that it remains recognized as a fundamental right, and that all people in the United States have control over their own bodies. That said, we are concerned that, in a world in which abortion could be made illegal, Google’s current practice of collecting and retaining extensive records of cell phone location data will allow it to become a tool for far-right extremists looking to crack down on people seeking reproductive health care. That’s because Google stores historical location information about hundreds of millions of smartphone users, which it routinely shares with government agencies.

The most detailed information held by Google comes from Android smartphones, which collect and transmit location information to Google, regardless of whether the phone is being used or which app a user has open. And while Google requires Android users to opt-in to Google’s collection and retention of location data, Google has designed its Android operating system so that consumers can only enable third party apps to access location data if they also allow Google to receive their location data too. In contrast, Google is only able to collect location data from users of iPhones when they are using the Google Maps app.

While Google collects and retains customer location data for various business purposes, including to target online ads, Google is not the only entity to make use of this data. Law enforcement officials routinely obtain court orders forcing Google to turn over its customers’ location information. This includes dragnet “geofence” orders demanding data about everyone who was near a particular location at a given time. In fact, according to data published by

Google, one quarter of the law enforcement orders that your company receives each year are for these dragnet geofence orders; Google received 11,554 geofence warrants in 2020.

No law requires Google to collect and keep records of its customers' every movement. Apple has shown that it is not necessary for smartphone companies to retain invasive tracking databases of their customers' locations. Google's intentional choice to do so is creating a new digital divide, in which privacy and security are made a luxury. Americans who can afford an iPhone have greater privacy from government surveillance of their movements than the tens of millions Americans using Android devices.

While Google deserves credit for being one of the first companies in America to insist on a warrant before disclosing location data to law enforcement, that is not enough. If abortion is made illegal by the far-right Supreme Court and Republican lawmakers, it is inevitable that right-wing prosecutors will obtain legal warrants to hunt down, prosecute and jail women for obtaining critical reproductive health care. The only way to protect your customers' location data from such outrageous government surveillance is to not keep it in the first place.

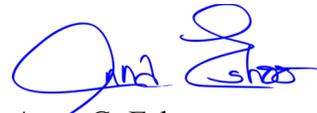
To that end, we urge you to promptly reform your data collection and retention practices, so that Google no longer collects unnecessary customer location data nor retains any non-aggregate location data about individual customers, whether in identifiable or anonymized form. Google cannot allow its online advertising-focused digital infrastructure to be weaponized against women.

Thank you for your attention to this important matter.

Sincerely,



Ron Wyden
United States Senator



Anna G. Eshoo
Member of Congress



Alex Padilla
United States Senator



Sara Jacobs
Member of Congress



Martin Heinrich
United States Senator



Ted W. Lieu
Member of Congress



John Hickenlooper
United States Senator



Lori Trahan
Member of Congress



Elizabeth Warren
United States Senator



Jackie Speier
Member of Congress



Jeffrey A. Merkley
United States Senator



Rashida Tlaib
Member of Congress



Bernard Sanders
United States Senator



Yvette D. Clarke
Member of Congress



Edward J. Markey
United States Senator



Katie Porter
Member of Congress



Cory A. Booker
United States Senator



Veronica Escobar
Member of Congress



Mazie K. Hirono
United States Senator



Jimmy Gomez
Member of Congress



Tina Smith
United States Senator



Judy Chu
Member of Congress



Tammy Duckworth
United States Senator



Andy Levin
Member of Congress



Suzan K. DelBene
Member of Congress



Mary Gay Scanlon
Member of Congress



Earl Blumenauer
Member of Congress



Jake Auchincloss
Member of Congress



Suzanne Bonamici
Member of Congress



Ayanna Pressley
Member of Congress



Pramila Jayapal
Member of Congress



Nanette Diaz Barragán
Member of Congress



Rosa L. DeLauro
Member of Congress



Mark Takano
Member of Congress


Debbie Wasserman Schultz
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Lizzie Fletcher
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Ro Khanna
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Barbara Lee
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Alexandria Ocasio-Cortez
Member of Congress


Lisa Blunt Rochester
Member of Congress


Madeleine Dean
Member of Congress