

Lawsuit Seeks to Stop Google from Secretly Selling Americans' Private Information Without Informed Consent

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Cotchett, Pitre & McCarthy filed a lawsuit on Thursday, May 5, 2021, in the U.S. District Court in San Jose, alleging that Google violates the privacy rights of its users by secretly collecting and selling their personal information. The Complaint alleges that Google's promise that it "**will never sell any personal information to third parties**" and "**you get to decide how your information is used**" is false. In fact, Google secretly tracks consumers across the Web and sells their personal information to buyers in real-time auctions for targeted ads. The Cotchett firm has been tracking the alleged violations for months and cites investigations by Congress and regulators in the European Union and United Kingdom.

The Complaint alleges that Google collects sensitive personal information through its numerous products, including the Google.com search engine, the Chrome web-browser, Gmail, Google Maps, and YouTube, to name a just few. This vast storehouse of data includes information relating to the consumer's computer, cellphone, physical location and movements, web browsing history, interests, ethnicity, religion, health, and sexual orientation.

According to the Complaint, when a consumer browses the Internet, in the blink of an eye, Google broadcasts the consumer's personal information to hundreds of recipients who bid on the right to place a targeted ad on the webpage the consumer is about to view. Only one bidder wins the auction; but all of the auction participants, even those who did not even submit a bid, are able to save, store and monetize the consumer's personal information.

The Complaint quotes an **April 1, 2021** letter from a bipartisan group of U.S. Senators following Senate Hearings to Google's CEO, Sundar Pichai:

Attorneys

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Practice Areas

Privacy & Intellectual Property

LAWSUIT SEEKS TO STOP GOOGLE FROM SECRETLY SELLING AMERICANS' PRIVATE INFORMATION WITHOUT INFORMED CONSENT

"Few Americans realize that some auction participants are siphoning off and storing "bidstream" data to compile exhaustive dossiers about them. In turn, these dossiers are being openly sold to anyone with a credit card, including to hedge funds, political campaigns, and even to governments."
(Senate Letter – April 1, 2021)

According to **Nanci E. Nishimura**, a partner at Cotchett, Pitre & McCarthy, representing the plaintiffs in this national class action:

"Google's real-time bidding exchange is alleged to be the most extensive in the world. Despite its promise that "we don't sell your personal information to anyone," Google makes billions of dollars by selling consumers' sensitive personal information in real-time. This process is invisible to consumers and Google does not have informed consent for the collection and sale of these massive data sets of personal information that are used to profile consumers."

According to **Brian Danitz**, a partner at Cotchett, Pitre & McCarthy, representing the plaintiffs:

"The Complaint alleges a massive violation of consumer privacy rights, that takes place every second of every day. As one of the world's most pervasive technology companies, Google has unique access to the intimate details of each Consumer's personal habits and preferences. Google uses that access to monetize consumers' personal information on a global scale. This pervasive collection and use of its consumers' personal information violates Google's promises of user privacy and control."

The Complaint also attaches a letter signed by members of Congress, including Anna Eshoo, Ro Khanna, and Zoe Lofgren who represent portions of Silicon Valley and the High-Tech World.

The lawsuit is *Delahunty, et al.v. Google, LLC*, Case No. 5:21-cv-03360, in the U.S. District Court for the Northern District of California.