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[EXEMPT FROM FILING FEES
PURSUANT TO GOVERNMENT
CODE SECTION 6103]

11 *Attorneys for The People of the State of California*

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA
13 FOR THE COUNTY OF SANTA CLARA

15 **PEOPLE OF THE STATE OF CALIFORNIA,**
16
17 **v.**
18 **GOOGLE, LLC.**
19
20

Plaintiff,
Defendant.

23CV422424
Case No.
COMPLAINT FOR INJUNCTION, CIVIL PENALTIES, AND OTHER EQUITABLE RELIEF
(BUSINESS AND PROFESSIONS CODE, §§ 17200 et seq., 17500 et seq.)

22 The People of the State of California (People), by and through Rob Bonta, Attorney
23 General of the State of California, bring this action against Defendant Google, LLC (Google) for
24 violations of California’s Unfair Competition Law, Business and Professions Code section 17200
25 *et seq.* (UCL), and False Advertising Law, Business and Professions Code section 17500 *et seq.*
26 (FAL) regarding the company’s collection, use and retention of consumers’ geolocation data.
27 The People allege the following facts based on investigation, information, or belief:
28

1 **PARTIES**

2 1. Plaintiff is the People of the State of California. The People bring this action by and
3 through Rob Bonta, Attorney General, who is authorized by Business and Professions Code
4 sections 17204 and 17206 to bring actions to enforce the Unfair Competition Law, and Business
5 and Professions Code section 17536 to bring actions to enforce the False Advertising Law.

6 2. Defendant Google, LLC is a Delaware corporation with its principal place of business
7 in Mountain View, California.

8 **JURISDICTION AND VENUE**

9 3. Google has conducted and continues to conduct business within the State of
10 California, including the County of Santa Clara, at all times relevant to this complaint. The
11 violations of law described herein were committed or occurred in the County of Santa Clara and
12 elsewhere in the State of California.

13 **DEFENDANT’S BUSINESS ACTS AND PRACTICES**

14 4. Google’s primary source of revenue is advertising. Google’s parent company
15 Alphabet Inc. reported that in 2022 it had revenues of over \$280 billion, and over \$220 billion of
16 that was attributable to Google’s advertising. A critical feature of Google’s advertising platform
17 is location-based (or geotargeted) advertising, as advertisers greatly prefer to precisely target
18 users in narrow geographical locations. In addition to advertising to users based directly on their
19 location, Google also uses their location data to build behavioral profiles of users, which can
20 determine what ads are shown to users.

21 5. Google offers users three features, each with an “account level setting,” through which
22 Google collects, stores, and/or uses located-related data: Location History, Web & App Activity,
23 and Ads Personalization. These three settings are “account level” because they can be enabled or
24 disabled on a user-by-user basis within the user’s account settings. Generally speaking, they are
25 not device specific. As a result, for a particular Google account, Location History, Web & App
26 Activity, and Ads Personalization would either be on or off, regardless of how many devices or
27 apps were used to log into the account. Notably, these three settings differ from device-based
28 settings, such as the toggle to turn on a phone’s GPS or the app permissions that give particular

1 apps access to that GPS data if enabled.

2 6. As discussed further below, many users did not know of or understand Google’s
3 Location History and Web & App Activity settings, yet had unwittingly enabled them due to
4 Google’s deceptive disclosures, thereby allowing Google to track their precise location. In
5 addition, Google misrepresented that when users disabled Ads Personalization it would stop using
6 the user’s location to target advertisements to those users, when in fact it continued to do so.

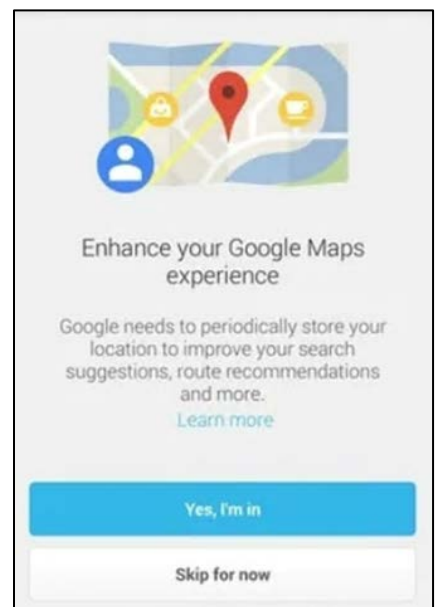
7 **I. GOOGLE DECEIVED USERS INTO ENABLING THE LOCATION HISTORY SETTING.**

8 7. Location History continually tracks a person’s movements and the places they visit.
9 When Location History is enabled, Google receives a person’s updated location from their mobile
10 phone. Google then creates a detailed record of a user’s movements and place visits over time,
11 storing this under the user’s Maps Timeline. Google also stores information derived from
12 Location History in other systems not visible to a user.

13 8. Location History gives Google detailed insights into people’s whereabouts and
14 activities. Google can track when users arrive at and leave a location. Location History collects
15 and stores such records about each person every single day.

16 9. When a user creates a Google account, the Location History setting is supposedly off
17 by default; however, from 2014 to 2018, Google showed users deceptive prompts when they used
18 certain Google apps to mislead users into unwittingly enabling Location History.

19 10. For example, when using Google Maps, Google
20 showed users a pop-up that asked if the person wished to
21 “[e]nhance [their] Google Maps experience” because
22 “Google needs to periodically store your location to improve
23 your search suggestions, route recommendations and more.”
24 However, by enabling this “enhancement,” the user
25 unknowingly turned on Location History, which allowed
26 Google to collect and store the user’s location account-
27 wide—even outside Maps. By simply clicking on the button
28 labelled “Yes, I’m in” within Google Maps, users were



1 actually consenting to the collection and use of their location data 24/7 by Google. Defendant
2 also failed to disclose the material fact that it was also using the location data for the wholly
3 unrelated purpose of profiling the user for advertising purposes.

4 **II. GOOGLE MISLED USERS INTO BELIEVING THEY HAD CONTROL OVER GOOGLE’S**
5 **COLLECTION AND USE OF THEIR LOCATION DATA.**

6 11. For years, Google promised its users that if they turned off the “Location History”
7 setting, then Google would not store their location data. This assurance should already have been
8 implied from the name of the setting (i.e., if you turn off “Location History” then naturally the
9 company will not store your location history), but Google went further. It made its promise
10 explicit in clear language on the help page for Location History that left no room for ambiguity:

11 **Turn Location History on or off**

12 You can turn off Location History at any point.
13 With Location History off, the places you go are no
14 longer stored. When you turn it off for your Google
15 Account, it's turned off for all devices associated
16 with that Google Account.

17 12. This statement was clear and direct, and it was also false. Even when a user turned
18 Location History off, Google continued to collect and store that user’s location data through other
19 sources, including a user’s Web & App Activity, which has been (and continues to be) defaulted
20 to on when a user creates a Google account. The Location History help page statement is also
21 false because even after a user turned off Location History, Google would not delete the
22 previously collected Location History data for the user, but would continue to both store and use
23 the data to serve geotargeted ads.

24 13. Web & App Activity saves a record of a user’s activities on various Google products
25 and services, including a time-stamped location. As observed in a highly publicized AP article,
26 with Location History off, Google continued recording user locations when they merely opened
27 the Google Maps app, updated the daily weather on their phones, or even when they searched for
28 items that had nothing at all to do with their location, like “chocolate chip cookies.”¹

¹ Nakashima, *AP Exclusive: Google Tracks Your Location, Like it or Not*, AP News (Aug. 13, 2018) <<https://apnews.com/article/north-america-science-technology-business-ap-top-news-828aefab64d4411bac257a07c1af0ecb>>.

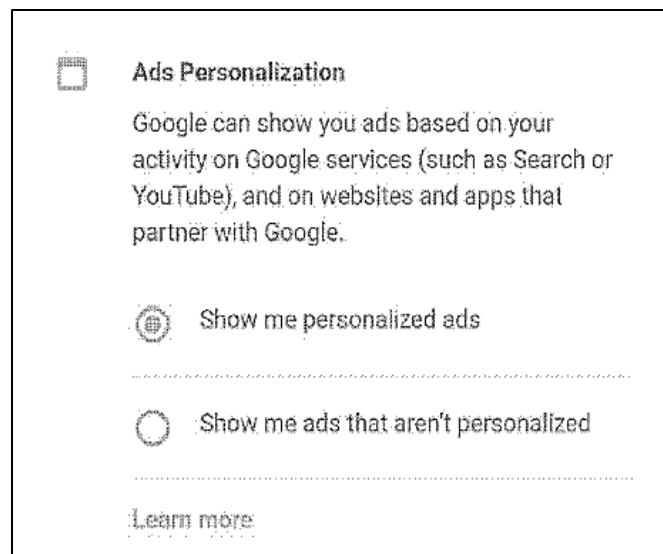
1 14. Importantly, from around 2015 until 2019, Web & App Activity collected and stored
2 precise location data, meaning the exact latitude and longitude coordinate. On any given day, a
3 user could have had dozens of interactions with Google’s services generating dozens of records of
4 their precise location in Web & App Activity.

5 15. Generally, most users have Web & App Activity enabled because for years Google
6 didn’t give users a choice to turn it off and Google’s more recent account creation process
7 defaulted users into enabling Web & App Activity. To change the default setting for Web & App
8 Activity, users had to dig through a submenu during account creation. And repeatedly, Google
9 stated that Web & App Activity merely “saves your activity on Google sites and apps” without
10 specifying that this included location data associated with that activity, let alone that the company
11 would use it for profiling and advertising.

12 **III. GOOGLE DECEIVED USERS ABOUT THEIR ABILITY TO OPT OUT OF GEOTARGETED ADS.**

13 16. The third account level setting is Ads Personalization. This setting governs the degree
14 to which Google tailors advertisements on its massive advertising network to its users, including
15 the extent to which Google uses location information to profile and target ads to consumers. But
16 even when this setting is disabled, Google still uses people’s location to geotarget ads at them.

17 17. When users create an account, Google seemingly gives users the choice of whether to
18 receive advertisements personalized to them:



18 18. Users naturally assumed this means what it says: if they choose the option labeled

1 “Show me ads that aren’t personalized” then Google will not serve ads personalized to them. But
2 that is not true. Even if a user turns off this setting, Google still uses the user’s real-time location
3 information to serve them targeted ads. Thus, contrary to the plain language of the setting
4 options, users are not actually able to choose whether the ads they see are personalized to them.

5 **FIRST CAUSE OF ACTION**

6 **VIOLATIONS OF THE FALSE ADVERTISING LAW**
7 **(BUSINESS AND PROFESSIONS CODE SECTION 17500 ET SEQ.)**

8 19. The People reallege and incorporate by reference each of the paragraphs above as
9 though fully set forth herein.

10 20. Google has engaged, and continues to engage in, aided and abetted, and conspired to
11 engage in acts or practices that constitute violations of Business and Professions Code section
12 17500 *et seq.* by making or disseminating, or causing to be made or disseminated, false or
13 misleading statements with the intent to induce members of the public to use Defendants’ services
14 or products when Defendants knew, or by the exercise of reasonable care should have known, that
15 the statements were false or misleading.

16 21. Defendants’ false or misleading statements include, but are not limited to, statements
17 regarding the collection, use, and retention of location data, including the following:

- 18 (a) False or misleading claims regarding Location History and the collection, use, and
19 retention of precise location data in connection with that feature;
20 (b) False or misleading claims regarding Web & App Activity and the collection, use,
21 and retention of precise location data in connection with that feature;
22 (c) False or misleading claims regarding Ads Personalization the collection, use, and
23 retention of precise location data in connection with that feature and/or for advertising.

24 **SECOND CAUSE OF ACTION**

25 **VIOLATIONS OF THE UNFAIR COMPETITION LAW**
26 **(BUSINESS AND PROFESSIONS CODE SECTION 17200 ET SEQ.)**

27 22. The People reallege and incorporate by reference each of the paragraphs above as
28 though fully set forth therein.

