

## THE HINDU EXPLAINS

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**The story so far:** A proposed [class action lawsuit filed against Google](#) on Tuesday alleges that the Internet search giant tracks and collects browsing data “no matter what” steps users take to safeguard their privacy. The plaintiffs, Chasom Brown, Maria Nguyen and William Byatt, have filed the lawsuit on behalf of “millions of individuals” (Google users in the U.S.) at the U.S. District Court for the Northern District of California. They allege Google has violated the federal wiretap law as well as a California privacy law.

The plaintiffs allege that Google tracks, collects, and identifies the browsing data of even those users who browse the Web privately via, say, the Incognito mode. Google, they claim, “accomplishes its surreptitious tracking” through near ubiquitous tools such as Google Analytics, Google Ad Manager, and other plug-ins. Google Analytics and other tools are implemented only when their code is embedded into the code of existing websites. The petitioners reckon “over 70% of online websites and publishers on the internet” employ Google Analytics.

The point of Brown and others is, when a user accesses websites that employ these Google tools, Google automatically gets information about the user’s IP address, URL of the site, and many, many more details. “Google designed its Analytics code such that when it is run, Google causes the user’s browser to send his or her personal information to Google and its servers in California,” the petitioners say in the lawsuit. And, they say, it doesn’t matter if a user is on private viewing mode.

That’s not all. They also allege that Google has been misrepresenting its data collection practices.

The petitioners charge Google with giving false assurances about the ability of users to control what they share with the search engine. They say that users not only don’t know that Google is collecting information even when they are in a private view mode but also have no means to avoid its scrutiny.

Also read | [Google promises better privacy tools, smarter AI assistant](#)

The Federal Wiretap Act disallows any intentional interception of any wire, oral, or electronic communication. The petitioners have invoked this Act, saying the following: “Google’s actions in intercepting and tracking user communications while they were browsing the internet using a browser while in ‘private browsing mode’ was intentional. On information and belief, Google is aware that it is intercepting communications in these circumstances and has taken no remedial action.”

They have also contended that the acts of Google violate the California Invasion of Privacy Act, which prohibits intentional tapping of communication. Further, they say, the right to privacy has also been violated.

Reuters has reported Google spokesperson Jose Castaneda as saying that the company will defend itself against the claims. He has been cited as saying, “As we clearly state each time you open a new incognito tab, websites might be able to collect information about your browsing activity.”

Also read | [Google updates terms in plain language after EU scrutiny](#)

This case against Google was filed by Arizona Attorney General Mark Brnovich in May. The allegation was one of privacy violation by Google, the specific charge being that the company was tracking user location even when the user had turned off location tracking. Brnovich had tweeted on May 28: "Today we filed a consumer fraud lawsuit against Google for deceptive and unfair practices used to obtain users' location data, which Google then exploits for its lucrative advertising business." Petitioners Brown and others referred to this case while elaborating on the "passive data collection practices employed by Android, Google applications (e.g., Chrome and Maps), Google Home, and other Google applications and services ...."

Yes. One of the long-running cases ended last year when Google agreed to a \$13 million settlement. The allegation was its "Street View mapping project captured data from private Wi-Fi networks," according to a Bloomberg report. Later, media reports suggested that some nine States were against this settlement as it contributed to massive privacy violation. In 2016, it reportedly settled a case where it was accused of "surreptitiously scanning Gmail messages for advertising revenues". It was reported then that it had agreed to stop the practice. Last year, it was fighting a similar case, as per reports.

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