

Geolocation

Google Location Tracking Approach May Draw Regulatory Look

Alphabet Inc.'s Google could find itself under fresh regulatory scrutiny after a report that it collects location data for certain apps even if users turn off location history on their devices.

Google's privacy page says that users can turn off their location history at any time, with their info no longer stored after that. But even with location history paused, some Google apps store time-stamped location data, according to an Aug. 13 Associated Press report.

Google's approach to disclosure policies for location data collection may draw the interest of federal and state regulators, Ed McAndrew, partner and co-practice leader of Ballard Spahr LLP's privacy and data security group, told Bloomberg Law. The Federal Trade Commission and state attorneys general could pursue investigations or enforcement actions if they found Google made "deceptive statements in its privacy policies," McAndrew said.

Google ensures that users know that even when they disable Location History, the company still uses location data to improve the functionality of Google searches and Google Maps, a company spokesperson told Bloomberg Law in an email message.

A FTC spokesperson declined a Bloomberg Law request for comment. But the commission has probed location data collection practices in the past.

The FTC entered a settlement in 2016 with Singapore-based mobile advertising company InMobi, McAndrew said. The firm agreed to pay \$950,000 in civil penalties and put in place a privacy program to settle charges it tracked users' locations without their knowledge.

The FTC could also probe Google if its "privacy policy says one thing but the agency thinks an organization is doing something different," Michelle Cohen, data privacy member at Ifrah Law, told Bloomberg Law. State regulators could investigate the company on similar grounds, she said.

"Regulators are scrutinizing data collection, particularly by those companies with access to huge amounts of data," Cohen said. "We are no longer talking about an undergrad in his dorm room in Cambridge. We are talking about vast amounts of data on millions of Americans."

Regulators have a particularly sharp eye for potential abuses of location data, Rebecca Kuehn, privacy and data security partner at Hudson Cook LLP told Bloomberg Law.

"The FTC recommends that if a company is going to collect sensitive data from a consumer, like geolocation information, it should seek affirmative express consent before collecting that data," Kuehn said.

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