

n sues over Google's "Location History" fiasco, case could affect millions

Location History" was off, Google said it didn't keep data—that's not true.

ARIVAR -

Google is facing new scrutiny in the wake of revelations that it stores users' location data even when "Location History" is turned off.

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Last Friday, Google quietly **edited** its description of the practice on its own **website**—while continuing said practice—to clarify that "some location data may be saved as part of your activity on other services, like Search and Maps."

As a result of the previously unknown practice, which was first **exposed** by the Associated Press last week, Google has now been **sued** by a man in San Diego. Simultaneously, activists in Washington, DC are **urging** the Federal Trade Commission to examine whether the company is in breach of its **2011 consent decree** with the agency.

In the **lawsuit**, which was filed in federal court last Friday in San Francisco, attorneys representing a man named Napoleon Patacsil argued that Google is violating the California Invasion of Privacy Act and the state's constitutional right to privacy.

The lawsuit seeks class-action status, and it would include both an "Android Class" and "iPhone Class" for the potential millions of people in the United States with such phones who turned off their Location History and nonetheless had it recorded by Google. It will likely take months or longer for the judge to determine whether there is a sufficient class.

Also on August 17, attorneys from the Electronic Privacy Information Center wrote in a sternly worded three-page letter to the FTC that Google's practices are in clear violation of the 2011 settlement with the agency.

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In that settlement, Google **agreed** that it would not misrepresent anything related to "(1) the purposes for which it collects and uses covered information, and (2) the extent to which consumers may exercise control over the collection, use, or disclosure of covered information."

Until the Associated Press story on August 13, Google's policy simply stated: "You can turn off Location History at any time. With Location History off, the places you go are no longer stored."

This turns out to not be true.

Google did not respond to Ars' request for comment.