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**STATE OF WASHINGTON  
KING COUNTY SUPERIOR COURT**

STATE OF WASHINGTON,

Plaintiff,

v.

GOOGLE LLC, a Delaware limited  
liability company,

Defendant.

Case No.

**COMPLAINT FOR INJUNCTIVE  
AND OTHER RELIEF UNDER  
THE CONSUMER PROTECTION  
ACT, RCW 19.86**

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## I. INTRODUCTION

1.1 Since at least 2014, Defendant Google LLC (“Google” or the “Company”) has deceived consumers regarding how Google tracks and uses consumer location data and misrepresented user’s ability to protect their privacy. Google leads consumers to believe they are in control of what information Google retains about them and how it is used. In reality, consumers who use Google products cannot prevent Google from collecting, storing, and profiting from their location. Google’s use of deceptive and unfair practices to obtain valuable consumer location data is in violation of Washington’s Consumer Protection Act, RCW 19.86 (the “CPA”).

1.2 People know Google as a technology company that provides consumer products, web-based services and applications (like Gmail and the Google Search engine), and hardware such as Pixel and Nexus smartphones. The majority of Google’s revenues, however, are derived from targeted advertising and advertising analytics. In these business-facing services, Google’s clients place advertisements in front of Google’s consumer users. To support this business, Google harvests consumers’ personal data, including location data, which the Company uses to market to consumers and to evaluate the effectiveness of the advertisements it serves.

1.3 Location data is among the most sensitive and valuable personal information Google collects. Even a limited amount of such data, aggregated over time, can expose a person’s identity and routines. Location can also be used to infer sensitive personal details, such as political or religious affiliation, sexual orientation, income, health status, participation in support groups, as well as major life events, such as marriage, divorce, and the birth of children. Location data is even more powerful in the hands of a company like Google that has the ability to monitor consumers’ daily lives due to the ubiquity of its products in consumers’ pockets, homes, and workplaces—essentially, everywhere consumers go.

1.4 Google promised consumers “with Location History off, the places you go are no longer stored.” Yet, even when consumers explicitly opted out of location tracking by turning

1 Location History off, Google nevertheless recorded consumers' locations via other means. For  
2 instance, "Web & App Activity" is a separate setting from Location History that collects  
3 consumer data when the consumer interacts with Google products and services. Although Web  
4 & App Activity setting is automatically enabled for all Google Accounts, the Company's  
5 disclosures during Google Account creation did not mention or draw consumers' attention to the  
6 setting until 2018.

7 1.5 When a news article exposed Google's deceptive conduct in 2018, [REDACTED]  
8 [REDACTED]  
9 [REDACTED]

10 [REDACTED] Even Google employees expressed surprise upon learning  
11 that the Company was collecting location data under the auspices of the seemingly unrelated  
12 Web & App Activity setting.

13 1.6 Similarly, Google misrepresents to consumers their ability to control Google's  
14 use and collection of their location data through additional settings, such as Google Ad  
15 Personalization ("GAP") and their device's "master switch." Even when a user disabled location-  
16 tracking settings, Google continues to collect, store, and use location data when a user uses  
17 certain Google products, such as the Google Play Store, Music, Search, and Maps.

18 1.7 When consumers disable location-tracking settings, Google is not able to collect  
19 as much data, which results in a negative effect on its advertising revenue. Ambiguous,  
20 contradictory, and incomplete statements by Google about privacy controls available to  
21 consumers all but guarantee that consumers will not understand when their location is retained  
22 by Google or for what purposes. Washington files this suit to enjoin the deceptive and unfair  
23 practices that Google has used to obtain consumers' location data and to ensure that consumers  
24 are able to both understand and control the extent to which their personal data—in particular,  
25 their location—is accessed, stored, used, and monetized by the Company.  
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2.2 Defendant Google LLC (“Google” or the “Company”) is a Delaware limited liability company with its principal place of business at 1600 Amphitheatre Parkway, Mountain View, California, 94043.

2.4 Google markets, advertises, offers, and provides its products and services throughout the United States, and, on information and belief, the number of Google's Washington users is in the millions.

3.1 The State files this Complaint and institutes these proceedings under the provisions of the Consumer Protection Act, RCW 19.86. The Attorney General has statutory authority to commence this action pursuant to RCW 19.86.080 and RCW 19.86.140.

3.3 Venue is proper in King County pursuant to RCW 4.12.020 and 4.12.025, and Court Rule 82 because Google resides and transacts business in King County. Google also engaged in the conduct set forth in this Complaint in King County and elsewhere in the State of Washington.

//

#### IV. FACTUAL ALLEGATIONS

##### A. Google's Business Model Relies on Constant Surveillance of Google Users

4.1 Google is an advertising company, but its business is user<sup>1</sup> data. Through its many consumer products and services, Google collects and analyzes the personal and behavioral data of billions of people. In turn, the Company uses this information to build user profiles and provide analytics that support Google's digital advertising business. On information and belief, Google's advertising business generated nearly \$150 billion in revenue in 2020.

##### 1. Google Collects Location Data Via the Android OS and Google Apps and Services

4.2 Much of Google's location data collection occurs by way of Google's Android operating system ("Android" or "Android OS"). Since approximately 2015, the majority of smartphones in the United States have been Android. Most Android devices on the market include a suite of Google apps and application programming interfaces ("APIs")<sup>2</sup> (collectively, "Google Mobile Services") that are preinstalled on users' devices.

4.3 The basic functioning of the Android OS provides Google with a steady stream of location data from Android devices. Through sensors and APIs installed on Android devices,<sup>3</sup> Google is provided the precise location of a device on a continuous basis, using GPS coordinates, cell tower data, Wi-Fi signals, and other signals that the device transmits to Google.

4.4 Beyond Android devices, Google collects location data through other consumer products including web-based services and mobile applications ("apps"), such as Google Search, Google Maps, Chrome web browser, Google Play Store, Google Assistant, and YouTube. Many of

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<sup>1</sup> For purposes of this Complaint, the terms "consumer" and "user" are used interchangeably to refer to a consumer who has used or uses Google's products and services.

<sup>2</sup> An API is a software interface that connects computers or pieces of software to each other.

<sup>3</sup> As used herein, the term "Android device" refers to mobile devices that use Google's Android OS and that come pre-installed with Google-licensed software and APIs (Google Mobile Services), including the Google Play Store and Google Play Services API.

1 these web-based services and apps may be accessed on web browsers and through both Android  
2 and Apple iOS devices (such as iPhones). These products are critical to Google's ability to extract  
3 location data. Google collects and stores users' location data when they interact with certain Google  
4 apps and services, even when a user's location is not needed to support the core functionality of the  
5 app or service.

6 4.5 On Android devices, certain Google apps are granted permission to collect users'  
7 location data by default. Other Google apps ask permission from users to allow Google to collect  
8 location data. On many versions of Android, once apps are permitted to collect a user's location  
9 data, they may continue to collect and transmit location data to Google unless the user remembers  
10 to revoke permission. And if a user elects not to grant permission, an app may continue to prompt  
11 the user to enable location settings.

12 4.6 Furthermore, even if a user disables settings that allow their device to transmit  
13 location data to Google, Google estimates a user's location by using IP address<sup>4</sup> information that is  
14 transmitted when the user interacts with many Google apps and services.

## 15 2. Location Data Is Highly Valuable to Google

16 4.7 Some Google consumer products can be used at no direct financial cost to the  
17 consumer, but that does not mean Google provides these products for free. Google chooses to  
18 monetize the exhaustive personal data it collects from users when they engage with Google  
19 products, including their browsing history, location data, and information from their email. Google  
20 processes this data to draw inferences about individuals and groups of users that it monetizes  
21 through advertising and other internal and business-facing services.

22 4.8 Google's advertising business depends on its collection of this personal data, and  
23 location data is particularly valuable information for this business. [REDACTED]

24 [REDACTED]

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25 <sup>4</sup> An IP address is a unique address that identifies a device on the internet or a local network. IP stands  
26 for "Internet Protocol."



1 [REDACTED] In marketing materials directed at advertisers, Google actively publicizes its ability to  
2 provide better advertising services through location-based analytics and advertising.

3 4.9 Because location data is key to Google's lucrative advertising business, the  
4 Company has a financial incentive to dissuade users from withholding access to that data. As  
5 detailed herein, Google has employed and continues to employ a number of deceptive and unfair  
6 practices to obtain users' "consent" to be tracked and to make it nearly impossible for users to stop  
7 Google from collecting their location data when using Google products. These practices include  
8 privacy-intrusive default location settings, hard-to-find location settings, misleading descriptions of  
9 location settings, repeated nudging to enable location settings, and incomplete or imbalanced  
10 disclosures of Google's location data collection and processing.

11 4.10 In one striking example, Google dramatically reworded a pop-up window that  
12 prompted users to enable a location tracking setting. Google revised the prompt so that it no longer  
13 disclosed on its face that enabling the setting allowed Google to collect continuously the user's  
14 location. [REDACTED]

15 [REDACTED] See *infra* § E (2). The rollout of this vague prompt [REDACTED]  
16 [REDACTED]

17 **B. Google Users Must Navigate Numerous, Conflicting Controls to Protect**  
18 **Their Location Data**

19 4.11 Google users must navigate numerous conflicting settings that supposedly control  
20 when and how Google collects, stores, and uses their location information. At the highest level,  
21 these settings can be classified into two categories: Google Account settings and device settings.  
22 Google Account settings apply to data collected from *any* device signed into<sup>5</sup> a user's Google  
23 Account. In contrast, device settings apply *only* to the specific device on which the setting appears.  
24

25 \_\_\_\_\_  
26 <sup>5</sup> A device (or user) is "signed-in" to Google if the user has signed into the user's Google Account at  
device set-up or in connection with a Google app.

1                   **1.      Location-Related Google Account Settings**

2           4.12   Google’s collection and use of location data is purportedly subject to at least three  
3 Google Account settings: Location History, Web & App Activity, and Google Ad  
4 Personalization (“GAP”).

5           4.13   Location History is a Google Account feature that captures all the places where a  
6 signed-in user goes. [REDACTED]

7 [REDACTED] Location History has existed in  
8 some form since approximately 2009. [REDACTED]

9 [REDACTED]  
10 [REDACTED] Using those various signals, Google can track a user’s precise location,<sup>6</sup> [REDACTED]

11 [REDACTED]  
12           4.14   [REDACTED]

13 [REDACTED] Using this information, Google builds a “private map”  
14 of all the places a user has been, which the user can review and edit.

15           4.15   The primary value of Location History data for Google, however, lies in its  
16 advertising uses. Google [REDACTED]

17 [REDACTED]  
18 [REDACTED] These inferences inform what advertising Google will present to that user.

19           4.16   In addition, Google uses Location History data to provide advertisers with “store  
20 conversion” rates—i.e., the number of users who have viewed ads and then visited the advertised  
21 store. Google’s ability to track users’ physical locations after they click on digital ads is a unique  
22 selling point for its advertising business.

23           4.17   Web & App Activity is a separate Google Account setting that collects, stores, and  
24 monetizes users’ locations. Whereas Location History passively collects location information based  
25

26                   <sup>6</sup> As used herein, “precise location” refers to the user’s exact longitude and latitude.

1 on all of a user's movements, Web & App Activity records a user's "transactional location:" the  
2 location of a signed-in user's device when the user interacts with certain Google products.<sup>7</sup> For  
3 example, when a signed-in user conducts a search for "chocolate chip cookie recipe" on the Google  
4 Search app, Google collects the user's location at the time of the search, along with details about  
5 the search, and stores that information to the Web & App Activity log for that user. Later, if the  
6 user searches for an address on Google Maps, Google again stores the user's location at the time of  
7 that search, along with details such as what was searched, to the same log.

8 4.18 Google uses Web & App Activity data to make deductions about the user for  
9 advertising purposes. Google's ability to target ads to users based on information about their  
10 locations is an important part of its billion-dollar advertising business.

11 4.19 Location History and Web & App Activity are independent settings. Disabling one  
12 setting does not impact whether a user's location data is collected and stored pursuant to the other  
13 setting. This means that even if a user prevents location tracking by one of these services, Google  
14 still tracks and monetizes the user's location through the other. Until recently, Google kept the data  
15 stored in connection with these settings indefinitely, unless the user manually deleted the data.

16 4.20 Google also offers users a Google Account setting related to personalized  
17 advertising—the GAP setting. The GAP setting purports to provide signed-in users the ability to  
18 opt out of personalized ads served by Google. Google told users that leaving this setting enabled  
19 would mean that, "Google can show you ads based on your activity on Google services (ex: Search,  
20 YouTube), and on websites and apps that partner with Google." By implication, users who do not  
21 want Google to serve them ads based on their activity on Google services should be able to opt out  
22 by disabling this setting, and they would expect that if they do disable the setting, they will not be  
23 getting ads based on their activity. However, Google continues to target ads based on a user's  
24 location even if the user opts out of ads personalization by disabling the GAP setting.

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25  
26 <sup>7</sup> A "supplemental" Web & App Activity setting also collects and stores information about the user's  
interactions with non-Google apps and with non-Google websites on Google's Chrome browser.

1                   **2.       Location-Related Device Settings**

2           4.21    While the Location History, Web & App Activity, and GAP settings apply across  
3 all devices associated with a user’s Google Account, additional settings related to location data  
4 apply to specific devices. Location-related device settings control whether a specific device can  
5 transmit location information to apps, APIs, or other services on the user’s device. Android devices  
6 have a number of different location-related device settings.

7           4.22    First, Android devices have a location “master switch” that controls whether the  
8 device can share the device’s location with any other apps on the device. When this “master switch”  
9 is enabled, apps and services can request and access the device’s location. If a user disables this  
10 setting on their device, then no apps or services can access the device’s location.

11          4.23    Second, Android devices have “app-specific” location settings. Using these device  
12 settings, users can grant or deny a specific app, such as Google Maps or Uber, permission to access  
13 the device’s location.

14          4.24    On Android devices, these two types of settings control the flow of location  
15 information to Google. For example, enabling the location “master switch” allows Google to  
16 “periodically” collect and use location from the user’s device in order to improve an internal Google  
17 platform called Google Location Services.<sup>8</sup> [REDACTED]

18 [REDACTED]  
19 [REDACTED]  
20          4.25    Android mobile devices also have other settings that purportedly control access to  
21 specific types of location data. For example, Android users can control whether their device scans  
22 for nearby Wi-Fi access points or Bluetooth devices, which can help Google better interpret the  
23 user’s location. Certain versions of the Android OS also include “Low Battery” and “High  
24 Accuracy” modes that control whether Google uses Wi-Fi, Bluetooth, cellular signals, GPS, or,  
25

26                   <sup>8</sup> Google Location Services is also referred to as Google Location Accuracy.

1 Google Location Services to ascertain the user's precise location.

2 4.26 In order to protect their privacy, users must understand the nuanced and interrelated  
3 functions of both Google Account settings and device settings. This complex web of settings  
4 misleads users into believing they are not sharing their location with Google when in fact they are.

5 **C. Google Deceives Users Regarding Their Ability to Protect Their Privacy**  
6 **Through Google Account Settings**

7 4.27 As discussed above, Google Account settings apply to multiple devices that a  
8 consumer uses to access Google's services. These settings follow the user as they move from device  
9 to device. Misrepresentations and omissions regarding certain Google Account settings – Location  
10 History setting, Web & App Activity setting, and Google Ad Personalization setting – increased the  
11 potential for consumer confusion regarding what data was being shared and whether consumers had  
12 opted out of sharing data across all devices and all settings.

13 **1. Google Misrepresented How Consumers Could Control Location**  
14 **through the Location History and Web & App Activity Settings**

15 4.28 Google recognizes that the location of individual users over time constitutes  
16 sensitive information. Nevertheless, from at least 2014 to at least 2019, Google made  
17 misrepresentations regarding how the Location History and Web & App Activity settings used and  
18 collected location data. These misrepresentations confused users about which settings implicate  
19 location data, making it more likely that such data would be captured, stored, and used without  
20 users' knowledge or consent.

21 **a) Google's misrepresentations regarding Location History**

22 4.29 For years, on a public webpage regarding Location History, Google assured  
23 Android users that "[y]ou can turn off Location History at any time. *With Location History off, the*  
24 *places you go are no longer stored*" (emphasis added). Google similarly explained that Apple users  
25 could log into their online Google account and select "Stop storing location" in order to turn off  
26 Location History, and that turning Location History off would "*stop[] saving new location*

1 **information**” (emphasis added). Google thus presented Location History as the setting that  
2 controlled whether Google stored location information about a user.

3 4.30 That representation was deceptive. Even when Location History was off, Google  
4 continued to collect and store users’ locations. Depending on a user’s other settings, Google  
5 collected and stored location data through Web & App Activity, Google apps on the user’s device,  
6 Wi-Fi and Bluetooth scans from the user’s device, Google’s Location Services feature, the user’s  
7 IP address, and [REDACTED]

8 [REDACTED]  
9 4.31 Google’s statements prompting users to turn on Location History also deceptively  
10 implied that this setting alone allowed Google to store a user’s location. For example, at various  
11 times, Google told users that enabling Location History “let’s Google save your location;” allows  
12 Google to “store and use” the “places you go;” permits Google to “periodically store your location;”  
13 “allows Google to store a history of your location;” or allows Google “to save and manage your  
14 location information in your account.” Like Google’s statements on its webpages, these  
15 representations omitted that even when the user disabled Location History, Google continued to  
16 collect and save users’ location data when using Google products and when Web & App Activity  
17 was enabled.

18 b) **Google’s misrepresentations regarding Web & App Activity**

19 4.32 Web & App Activity collects location data when a user interacts with certain Google  
20 products. For example, if a user asks Google Assistant to search for the author of a book, Web &  
21 App Activity saves the user’s location and the time when the query was made. Google also collects  
22 and stores information that could implicitly reveal a user’s location, such as which places the user  
23 inputs into Google Maps. For example, in the AP story, even with Location History disabled, as  
24 long as Web & App Activity was enabled, Google had the ability to capture two dozen precise,  
25 time-stamped GPS coordinates for a user in only eight hours.

26 4.33 Google concealed from users that the Web & App Activity setting also controlled

1 Google's storage and use of their location information in at least three ways.

2 4.34 First, Google failed to disclose the Web & App Activity setting when users set up  
3 Google Accounts for the first time. At this stage, the Web & App Activity setting is defaulted "on"  
4 for all Google Accounts. Thus, a user who sets up a Google Account is automatically opted-in to  
5 location tracking via Web & App Activity. Up until 2018, the Google Account set-up process made  
6 no mention of the Web & App Activity setting.

7 4.35 Furthermore, by virtue of running Google's Android operating system, Android  
8 phones effectively require a user to sign in to a Google Account,<sup>9</sup> and Google apps like Search and  
9 Maps were (and are) granted location permission on Android devices by default. As a result, Google  
10 could begin to track Android users' location without ever presenting users with an option to opt out.

11 4.36 One of the only ways users would become aware that Web & App Activity was  
12 storing location data was by navigating to a separate webpage called "My Activity" where Google  
13 recorded data stored under the Web & App Activity setting. But when users first landed on this  
14 webpage, Location History was presented as the only setting that related to location data. *See:*

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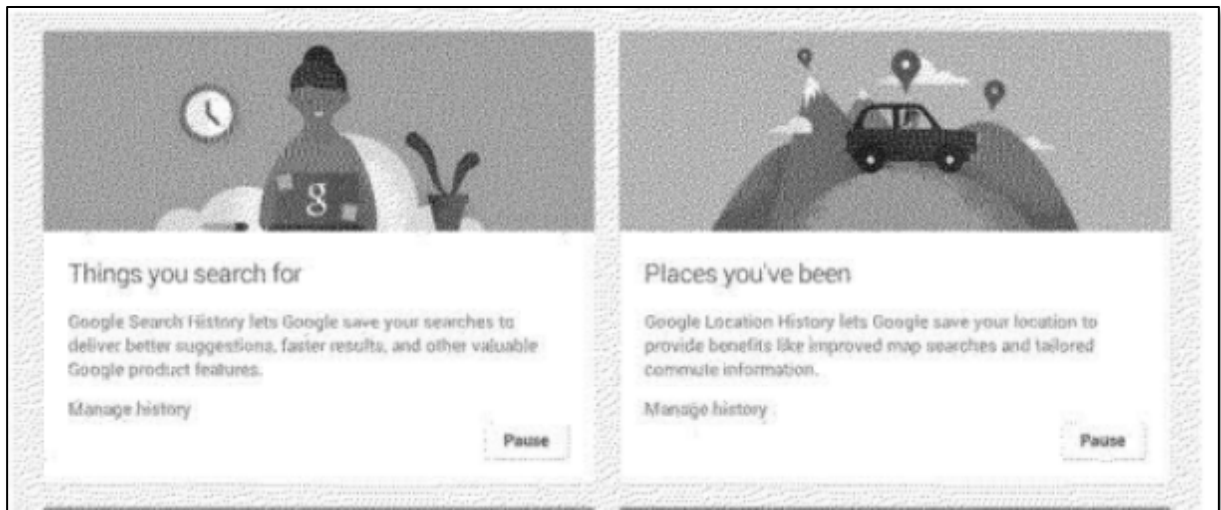
21 //

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24  
25 <sup>9</sup> A user must sign in to a Google Account on their Android device to access the Google Play application  
26 ("app") store, which is needed to download new apps or to receive app updates that enable apps to continue to  
function properly and safely. On information and belief, once Android users sign into their Google Account, users  
must fully remove their Google Account(s) from their device in order to sign out of Google.



**Fig. 1** (“Places you’ve been[:] Google Location History lets Google save your location to provide benefits like improved map searches and tailored commute information.”).

4.37 In 2018, Google revised its Google Account set-up process to include reference to the Web & App Activity setting. However, the Company continued to conceal from new users that location data was captured by the setting. Until at least mid-2018, location information was only revealed to new users who first clicked on a link to see “More options” and then selected a second link to “Learn More” about the Web & App Activity setting. [REDACTED]

[REDACTED]

[REDACTED]

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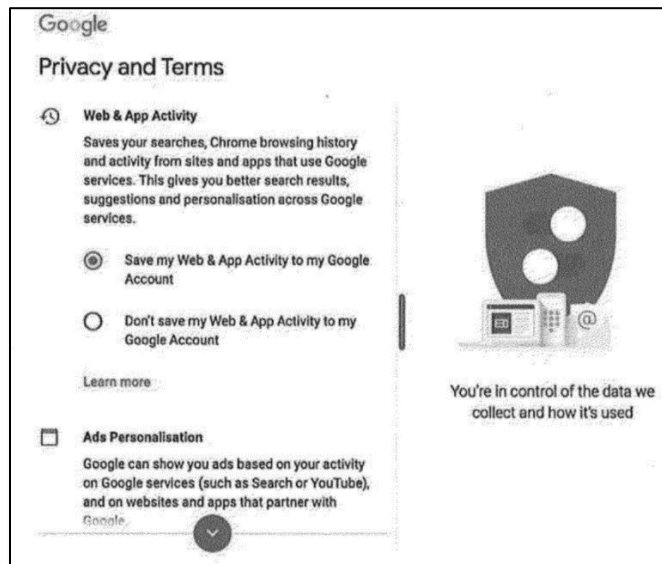
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**Fig. 2** (“Web & App Activity[:] Saves your searches, chrome browsing history and activity from sites and apps that use Google services. This gives you better search results, suggestions and personalization across Google services.”)

4.38 Second, Google failed to disclose the Web & App Activity setting to users that set up new devices using existing Google Accounts. A user’s Web & App Activity “enabled” or “disabled” status applies to all devices signed in to the user’s Google Account. Thus, any time a user signed a device in to an existing Google Account, Google could begin tracking that device as long as Web & App Activity was enabled on the user’s Google Account. Users did not receive a separate notification that Google had begun storing the location of the new device via the Web & App Activity setting. This means that if a user enabled Web & App Activity on their desktop, the setting would also be enabled on any mobile device linked to the same Google Account.

4.39 Third, once consumers set up a Google Account or link new devices to their Google Account, they were unlikely to discover the location tracking nature of Web & App Activity settings. Google did not identify Web & App Activity as a location-related setting in the places where a user would expect to find that information. For example, until around 2019, users who explored location settings on their Android devices would not find Web & App Activity listed among them. Likewise, a Google webpage titled “Manage your Android’s device location settings”

1 described Google's location-based settings and discussed Location History without mention of the  
2 Web & App Activity setting.

3 4.40 Google's Privacy Policies also omitted mention of the Web & App Activity setting.  
4 For instance, the December 18, 2017 version of Google's Privacy Policy lists examples of  
5 information about "your actual location" that Google "may collect and process." These examples  
6 specifically mention that "Location History allows Google to store a history of your location data,"  
7 but makes no reference to the Web & App Activity setting.

8 4.41 Putting aside the placement of Google's statements, many of Google's affirmative  
9 disclosures regarding Web & App Activity also failed to disclose that this setting authorized Google  
10 to store and use location data. Google routinely described the Web & App Activity setting as  
11 allowing the Company to store and use Google search history, Chrome web browser activity, and  
12 activity on Google apps—without mention of location (unless the user clicked a link to a pop-up  
13 window for more information).

14 4.42 In sum, Google misrepresented that disabling Location History stopped Google  
15 from storing a user's location and concealed that the Web & App Activity setting also stored  
16 location data. This had the capacity to deceive users into believing that the Web & App Activity  
17 setting did not impact collection, storage, or use of location data; that the Location History setting  
18 alone controlled whether Google retained and used location data; and that the Location History  
19 setting would prevent Google from retaining and using the consumer's historical locations on an  
20 ongoing basis.

21 c) **Public information leads consumers to opt out of location**  
22 **sharing**

23 4.43 In 2018, an AP News investigation revealed that Google "store[s] your location data  
24 even if you've used a privacy setting that says it will prevent Google from doing so." [REDACTED]  
25 [REDACTED]  
26 [REDACTED]

1 [REDACTED]  
2 4.44 [REDACTED]  
3 [REDACTED]  
4 [REDACTED]  
5 [REDACTED]  
6 [REDACTED]

7 4.45 At Google, a self-titled “Oh Shit” meeting was held to brainstorm responses to the  
8 article. In additional internal discussions, Google employees agreed that Google’s disclosures  
9 regarding Location History were “definitely confusing” and that the user interface for Google  
10 Account settings “feels like it is designed to make things possible, yet difficult enough that people  
11 won’t figure it out.” One employee admitted, “I did not know Web and App Activity had anything  
12 to do with location.”

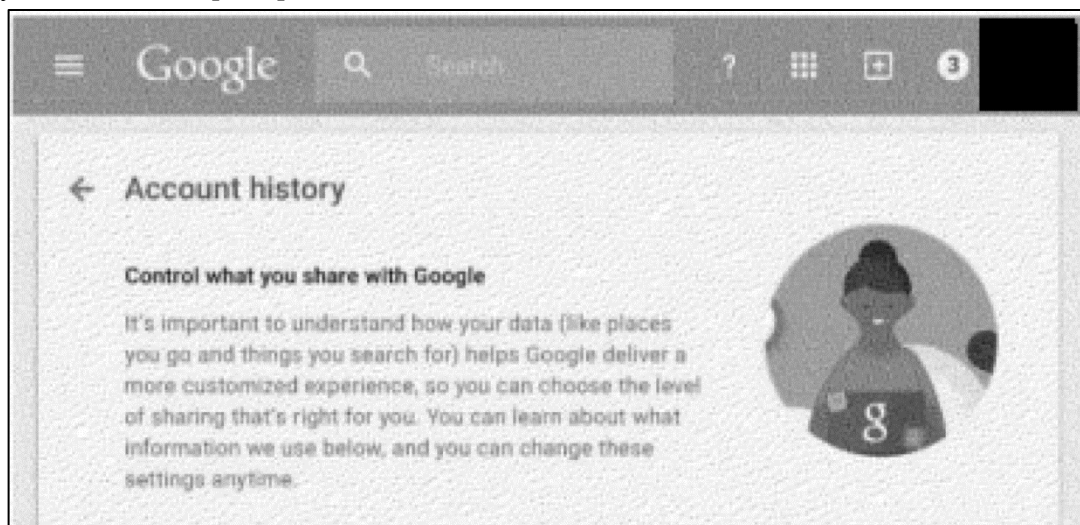
13 4.46 Even before the AP article was published, [REDACTED]  
14 [REDACTED] Yet it was only after the AP story that  
15 Google updated its help page to remove the misleading disclosure “With Location History off, the  
16 places you go are no longer stored.”

17 **2. Google Misrepresents Users’ Ability to Control Their Privacy**  
18 **through Google Account Settings**

19 4.47 Google misleads users about its location tracking practices by misrepresenting the  
20 extent to which Google Account settings prevent Google’s collection and use of location data.  
21 Consumers are led to believe that Google Account settings offer simple “privacy controls,” but  
22 Google continues to exploit users’ location data regardless of their choices with respect to  
23 these settings.  
24  
25  
26

1 a) **Google misleads consumers to believe they can control their**  
2 **location data**

3 4.48 Since at least 2014, Google continues to make misrepresentations to users regarding  
4 their ability to adjust their Google Account settings to control the information that Google collects,  
5 stores, and uses about them. In numerous iterations of Google's Privacy Policies and other  
6 disclosures, Google has pointed to Google Account settings as features that, for example, allow  
7 users to make "meaningful choices about how [the information Google collects] is used;" "control  
8 the collection of personal information;" "decide what types of data . . . [they] would like saved with  
9 [their] account when [they] use Google services;" or "make it easier for [them] to see and control  
10 activity that's saved to [their] account and how it's used." *See:*



19 **Fig. 3** ("Control what you share with Google[:] It's important to understand how your data  
20 (like places you go and things you search for) helps Google deliver a more customized  
21 experience, so you can choose the level of sharing that's right for you. You can learn about  
22 what information we use below, and you can change these settings anytime".)

22 4.49 Since May 25, 2018, Google's Privacy Policy explained that "across our services,  
23 you can adjust your privacy settings to control what we collect and how your information is used."  
24 In its Terms of Service and Privacy Policies, Google also represented that it would "respect the  
25 choices you make to limit sharing or visibility settings in your Google Account."

26 4.50 As part of setting-up a Google Account, Google expressly tells users, "You're in

1 control. Depending on your account settings, some . . . data may be associated with your Google  
2 Account and we treat this data as personal information. You can control how we collect and use  
3 this data. . . . You can always adjust your controls later or withdraw your consent. . . .”

4 4.51 In another example, since 2019 Google has maintained a webpage devoted to  
5 explaining “How Google uses location information.” This webpage states that “[i]f Web and App  
6 Activity is enabled, your searches and activity from a number of other Google services are saved to  
7 your Google Account. The activity saved to Web and App Activity may also include location  
8 information. . . . Pausing Web & App Activity will stop saving your future searches and activity  
9 from other Google services.”

10 4.52 In statements like these, Google frames Google Account settings as tools that allow  
11 a user to control Google’s collection and use of their personal data. The Company’s reassuring  
12 statements about these settings are misleading and imply that a user can stop Google from storing  
13 or deploying the user’s location information by disabling these settings.

14 4.53 But these statements are misleading. Regardless of whether the user has disabled  
15 Web & App Activity or Location History, Google collects, stores, and uses location data when a  
16 user uses certain Google products, [REDACTED]

17 [REDACTED]  
18 [REDACTED]  
19 4.54 While touting users’ ability to control personal data collection through Google  
20 Account settings, Google flouts these controls by continuing to collect, store, and use location data  
21 regardless of whether the user disables these settings.

22 4.55 [REDACTED]  
23 [REDACTED]  
24 [REDACTED]  
25 [REDACTED] Users can delete this subset of location data, as well  
26 as Location History. [REDACTED]

[REDACTED]

b) **Google collects location data even after a user signs out of their Google Account**

4.56 Despite claiming it endeavors to “be clear about what information [Google] collects, so that [users] can make meaningful choices about how it is used,” [REDACTED]

[REDACTED]

4.57 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

4.58 Until May 2018, Google did not disclose in its Privacy Policy that it stores information from signed-out users. Even today, the webpage devoted to explaining “How Google uses location information” only explains how location data is “saved in [a] Google Account,”

[REDACTED]

[REDACTED]

4.59 Put simply, contrary to the Company’s representations, disabling or enabling Google Account settings does not control whether Google will collect, store, or use a user’s location data. Even disabling all Google Account settings or [REDACTED] is not effective to prevent Google from storing and using a user’s location data. As a result of Google’s misleading statements with respect to these settings, users cannot control or limit Google’s access to and use of their location data.

1           4.60   Google is aware that users do not understand Google Account settings or how these  
2 settings interact with other location-related settings. [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9                   **3.       Google Misrepresented the Google Ad Personalization Setting**

10           4.61   Google’s deceptive and unfair practices extend to the Company’s Google Ad  
11 Personalization (GAP) setting. The GAP setting purports to allow users to opt out of personalized  
12 advertising and allows users to “control” the Company’s use of their location data. According to  
13 Google, enabling the GAP setting will “[l]et Google use [a user’s Google Account activity] to show  
14 [the user] more relevant ads on [Google’s] services and on websites and apps that partner with  
15 [Google].” In explaining this setting, Google told users that they should “let Google know [their]  
16 location,” so that “[they] won’t get ads for stores in other regions.”

17           4.62   Google’s disclosure misleads consumers to believe they can turn off the GAP setting  
18 to prevent Google from using location data to send personalized ads. But this setting only provides  
19 an illusion of control. In reality, Google continues to target ads based on a user’s location—both on  
20 and off Google products—even if the user disables the GAP setting. [REDACTED]

21 [REDACTED]

22                   **D.       Google Deceives Users Regarding Their Ability to Protect Their Privacy**  
23                   **Through Device Settings**

24           4.63   Google misrepresents the ability of users to control or limit Google’s collection of  
25 their location data through their device settings. When in fact, users have no control over whether  
26 Google collects and profits from the collection of their location information. Google’s practice of

1 bypassing users' location-related device settings constitutes a deceptive and unfair act or practice.

2       4.64 **First**, Google tells users that they can control the flow of location data via the  
3 device's location "master switch." Beginning with its May 2018 Privacy Policy, Google represents  
4 that "the types of data [Google] collect[s] depend in part on [the user's] device and account settings.  
5 For example, [a user] can turn [an] Android device's location on or off using the device's setting  
6 app." Google also provided Help pages that explained: "If [a user] turn[s] off Location for [a]  
7 device, then no apps can use [the user's] device location." However, when a user turns the location  
8 "master switch" off, Google nevertheless uses the user's IP address [REDACTED]  
9 [REDACTED] to infer the user's location. Users have no control over whether  
10 Google derives their location [REDACTED]

11       4.65 **Second**, Google misleads users into believing that user's app-specific device  
12 settings can control whether Google obtains their location data. Google's Help pages explain that  
13 on Android devices, a user can choose which apps can access and use a user's device location.  
14 However, even when a user has denied location access to the app Google deduces a user's location

15 [REDACTED]  
16 [REDACTED]  
17       4.66 **Third**, device settings related to specific location signals on Android phones, such  
18 as Wi-Fi and Bluetooth, are confusing and conflicting, making it very challenging for users to limit  
19 Google's access to this data. For example, Google uses Wi-Fi scans to compute device location  
20 more accurately and precisely. Android phones include a "Wi-Fi scanning" setting among other  
21 location-related settings. However, even if this setting is "off," Google can still obtain Wi-Fi scans.

22       4.67 Simply put, even when a user's device is set to deny Google access to location data,  
23 the Company finds a way to continue to ascertain the user's location. [REDACTED]  
24 [REDACTED]  
25 [REDACTED]  
26 [REDACTED]



1 [REDACTED]  
2 [REDACTED] As one Google  
3 employee put it, “Real people just think in terms of ‘location is on,’ ‘location is off’ because that’s  
4 exactly what you have on the front screen of your phone.”

5 **E. Google Deploys Deceptive Practices that Undermine Users’ Ability to Make**  
6 **Informed Choices About Their Data**

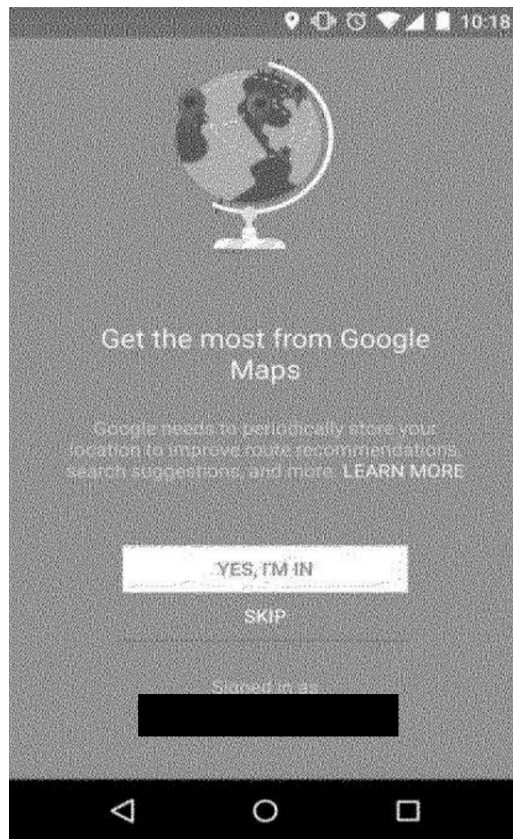
7 4.68 Google engages in unfair and deceptive practices that makes it difficult for users to  
8 decline location tracking or to evaluate the data collection and processing to which they are  
9 purportedly consenting. Such practices are known in academic literature as “dark patterns.” Dark  
10 patterns are deceptive design choices that take advantage of behavioral tendencies to manipulate  
11 users to make choices for the designer’s benefit and to the user’s detriment. Examples of “dark  
12 patterns” include complicated navigation menus, visual misdirection, confusing wording (such as  
13 double negatives), and repeated nudging.

14 4.69 Google makes extensive use of dark patterns, including repeated nudging,  
15 misleading pressure tactics, and evasive and deceptive descriptions of location features and settings,  
16 to cause users to provide more and more location data (inadvertently or out of frustration).

17 **1. Dark Patterns in Google Account Settings**

18 4.70 Some of Google’s deceptive practices with respect to Google Account settings  
19 alleged above reflect the use of dark patterns. For example, Google’s decision to enable the Web &  
20 App Activity feature by default while failing to disclose the existence of the setting was a deceptive  
21 use of design. Through this dark pattern, Google not only misled users about the extent of its  
22 location tracking, but also made it difficult for users to opt-out of this tracking.

23 4.71 Google also uses dark patterns through its “in-product” prompts to encourage users  
24 to enable Google Account settings. For example, for at least part of the relevant time period, Google  
25 told users that certain Google products, such as Google Maps, Google Now, and Google Assistant  
26 “need[]” or “depend[] on,” the Location History feature when setting up these products. *See:*

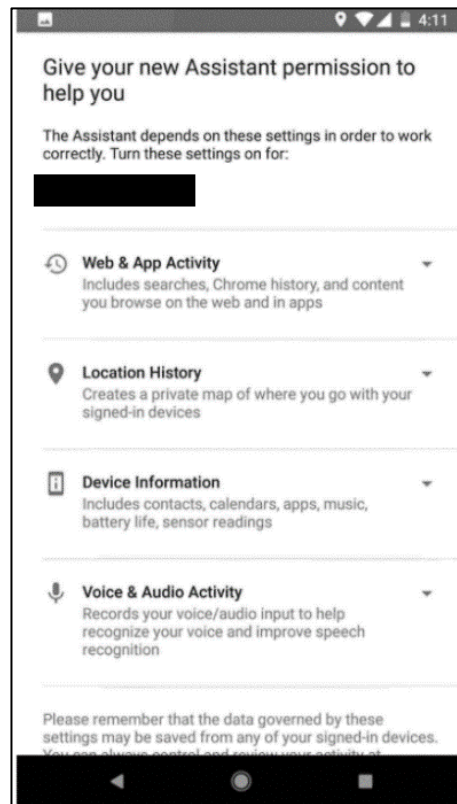


**Fig 4** (“Get the most from Google Maps[:] Google needs to periodically store your location to improve route recommendations, search suggestions, and more”).

4.72 However, these products could properly function without users agreeing to constant tracking. For example, Maps and Google Now did not “need” Location History in order to perform its basic functions and, in fact, both products would continue to function if the user disabled Location History.

4.73 Google also used dark patterns in its design for the set-up process of certain Google products. For example, Google prompted users to enable Location History and Web & App Activity, along with multiple other settings, in order to use products like Google Assistant or Google Now. By presenting users with an “all or nothing” opt-in, Google similarly denied users the ability to choose which data-sharing features to enable, unless users took the additional and burdensome

1 action of trying to locate and disable these features after set-up. In other words, users could only opt  
2 in or out of these settings collectively at set-up of the Google product. *See:*



15  
16 **Fig. 5** (“Give your new Assistant permission to help you[.] The Assistant depends on these  
17 setting in order to work correctly. Turn these setting on for: . . . Web & App Activity[:]  
18 Includes searches, Chrome history, and content you browse on the web and in apps[:]  
19 Location History[:]  
20 Creates a private map of where you go with your signed-in devices”).

21 4.74 Google also did not (and still does not) give users the choice to decline location  
22 tracking once and for all. For example, if users decline to enable Location History or Web & App  
23 Activity when first prompted while setting up their Android device, Google continues to repeatedly  
24 prompt users to enable these settings when using Google products.

25 4.75 [REDACTED]

26 [REDACTED] By repeatedly “nudging” users  
to enable Google Account settings, Google increases the chances that a user will enable the setting

1 inadvertently or out of frustration. Google does not and has never provided similarly frequent  
2 prompts to opt out of location sharing.

3 4.76 [REDACTED]  
4 [REDACTED]  
5 [REDACTED]  
6 [REDACTED]  
7 [REDACTED]  
8 [REDACTED]  
9 [REDACTED]  
10 [REDACTED]  
11 [REDACTED]  
12 [REDACTED]

13 4.77 Until at least mid-2018, Google’s prompts misleadingly emphasized a few benefits  
14 that Location History provided to users—such as commute notifications or more personalized  
15 search results—without providing a similar emphasis and disclosure about the advertising and  
16 monetary benefits to Google. Indeed, Google only revealed that it used this comprehensive data for  
17 advertising purposes in separate linked or drop-down disclosures that users would likely never see.

18 *See:*

19 //

20 //

21 //

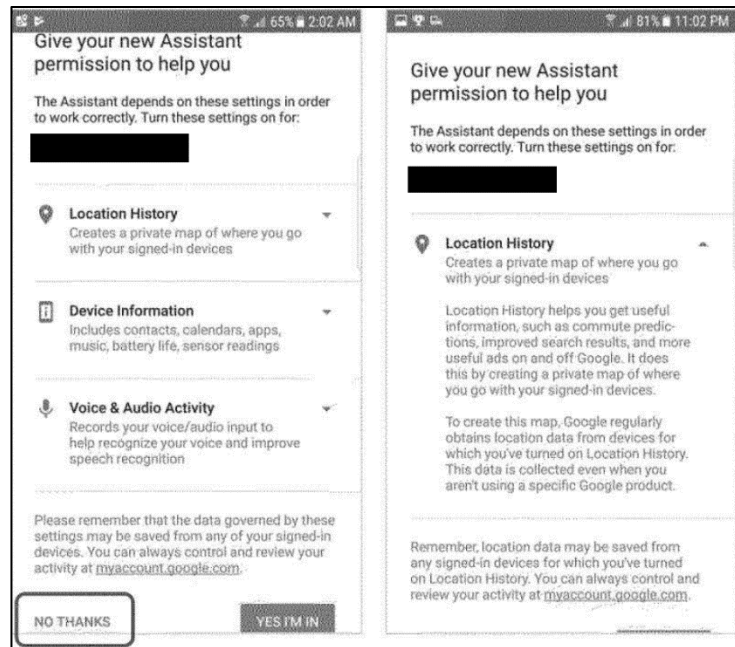
22 //

23 //

24 //

25 //

26 //



**Fig. 6** (“Location History[:] Creates a private map of where you go with your sign-in devices[.] Location History helps you get useful information such as commute predictions, improved search results and more useful ads on and off Google.”)

4.78

4.79 At relevant times, users who paused Location History or deleted Location History entries also received vague warnings implying that disabling or limiting Location History would hinder the performance of Google apps. For example, users were told that disabling Location History “limits functionality of some Google products over time, such as Google Maps and Google Now” and that “[n]one of your Google apps will be able to store location data in Location History.” Users who deleted Location History entries were also warned that “Google Now and other apps that use your Location History may stop working properly.” These failed to provide users with

1 sufficient information to understand what, if any, services would be limited, and deceptively  
2 implied that Google products would not function unless the user agreed to provide location data on  
3 a continuous basis.

## 4                   **2.       Dark Patterns in Device Settings**

5           4.80    Users who seek to limit Google’s location data collection through device settings  
6 are also confronted with various dark patterns. For example, users may try to disable location  
7 settings on their devices, such as through the location “master switch” or the app-specific location  
8 permission settings. However, after disabling these settings, users are subject to repeated prompting  
9 to re-enable location when using a Google app. [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13           4.81    Once location is re-enabled on a user’s device, other Google apps and services can  
14 access the user’s location, including (in some versions of the Android OS) when the user is not  
15 interacting with the app. The only way to avoid such access is if the user remembers to disable  
16 location again, a process which the user is discouraged to undertake because it requires a number  
17 of steps and must be repeated every time a user wants to permit (and then deny) Google access to  
18 their location.

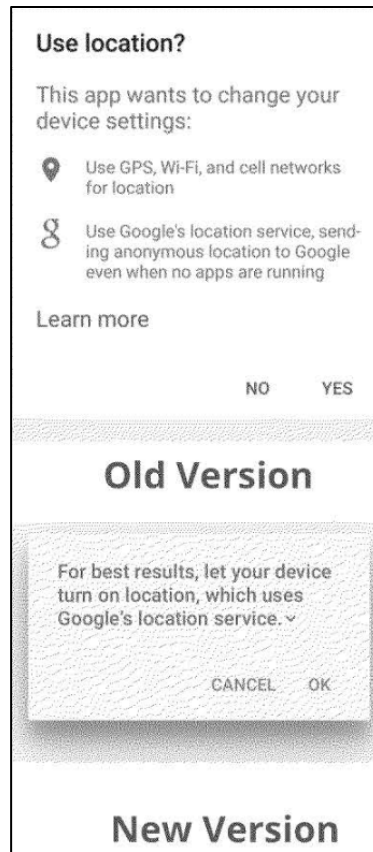
19           4.82    During the relevant time period, Google also actively sought to increase the  
20 percentage of users who enabled location settings on Android devices by providing vague  
21 disclosures and making it more difficult for users to disable these settings. For example, in one  
22 version of Android (called KitKat),<sup>10</sup> Google offered a toggle that allowed users to disable location  
23 from a pull-down menu at the top of their screen. This made the setting more easily accessible to  
24 users. However, Google removed this toggle from Android phones that Google manufactured,

25 \_\_\_\_\_  
26           <sup>10</sup> Android KitKat was publicly released on October 31, 2013.

1 [REDACTED]  
2 [REDACTED]  
3 4.83 [REDACTED]  
4 [REDACTED]  
5 [REDACTED]  
6 [REDACTED]  
7 [REDACTED]  
8 [REDACTED]

9 Around the same time, Google also changed the dialogue box that users would see when prompted  
10 by Google to enable location. Pursuant to this change, Google no longer advised users that they  
11 were agreeing to persistent tracking of their precise location by Google, as shown below:

12 //  
13 //  
14 //  
15 //  
16 //  
17 //  
18 //  
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20 //  
21 //  
22 //  
23 //  
24 //  
25 //  
26 //



**Fig. 7** (Old Version – “Use location? This app wants to change your device setting: Use GPS, Wi-Fi, and cell networks for location. Use Google’s location service, sending anonymous location to Google even when no apps are running.” New Version – “For best results, let your device turn on location, which uses Google’s location service.”)

4.84

#### **F. Google Engages in Deceptive and Unfair Acts and Practices in Trade or Commerce in Washington**

4.85 Google’s deceptive and unfair acts and practices alleged herein occurred in in trade or commerce in Washington. Google offers, sells, provides, and advertises its devices, software products, and services to Washington consumers. Consumers purchase Google’s products with the deceptive settings in Washington. Through its ad business, Google receives advertising revenue



1 based on the Washington consumer location data that it collects through the unfair and deceptive  
2 acts and practices discussed herein.

3 **V. CAUSE OF ACTION**  
4 **Violations of the Consumer Protection Act, RCW 19.86.020**

5 5.1 The State re-alleges and incorporates the other allegations of this Complaint as if set  
6 forth fully herein.

7 5.2 Google engaged in unfair and deceptive practices affecting Washington consumers  
8 and in violation of RCW 19.86.020 by collecting, storing, and using consumers' location data  
9 without their knowledge or consent, or in contravention of users' intent, including by:

- 10 a. Representing that by disabling the Location History setting would prevent  
11 Google from collecting and using consumers' location information and  
12 continuing to collect location data from consumers who disabled the  
13 Location History setting;
- 14 b. Failing to adequately disclose that the Web & App Activity setting  
15 permitted Google to collect, store, and use location information;
- 16 c. Representing that consumers could prevent Google from using their  
17 location to target advertisements by disabling the Google Ad  
18 Personalization settings;
- 19 d. Representing that consumers could prevent Google from collecting,  
20 storing, and using consumers' location data by disabling the location  
21 master switch on devices and continuing to collect location data from  
22 consumers who disabled the location master switch;
- 23 e. Failing to disclose that Google apps that are denied permission to access  
24 location data can still obtain that data from other sources available to  
25 Google, including other Google apps; and  
26

1 f. Implementing practices, including the use of dark patterns, that make it  
2 difficult for consumers to deny Google access to and use of their location  
3 information.

4 5.3 Google's conduct affects the public interest because Google repeatedly engaged in  
5 the conduct described above. Google's misrepresentations had the capacity to mislead numerous  
6 Washington consumers from which Google collected location data.

7 5.4 Google's conduct as described herein occurred in trade or commerce as defined in  
8 RCW 19.86.010(2) because Google's collection of consumer's location data was for Google's  
9 commercial benefit and the conduct concerns Google's sale or advertising of Google's services and  
10 products, including but not limited to Google's software services, devices, and ad business.

## 11 VI. PRAYER FOR RELIEF

12 WHEREFORE, Plaintiff, STATE OF WASHINGTON respectfully requests that this  
13 Court enter judgment against Google and in favor of Washington and grant the following relief:

14 6.1 That the Court adjudge and decree that Defendant has engaged in the conduct  
15 complained of herein.

16 6.2 That the Court adjudge and decree that the conduct complained of in the  
17 Complaint constitutes unfair or deceptive acts or practices in violation of the Consumer  
18 Protection Act, RCW 19.86.

19 6.3 That the Court issue a permanent injunction enjoining and restraining Defendant  
20 and its representatives, successors, assigns, officers, agents, servants, employees, and all other  
21 persons acting or claiming to act for, on behalf of, or in active concert or participation with  
22 Defendant from continuing or engaging in the unlawful conduct complained of herein.

23 6.4 That the Court assess civil penalties, pursuant to RCW 19.86.140, of up to \$7,500  
24 per violation against Defendant for each and every violation of RCW 19.86.020 alleged herein.  
25  
26

1           6.5     That the Court, as an equitable remedy, disgorge Defendant of money, property,  
2 or data (including any algorithms developed using such data) acquired by Defendant as a result  
3 of the conduct complained of herein.

4           6.6     That the Court make such orders pursuant to RCW 19.86.080 as it deems  
5 appropriate to provide for restitution and prejudgment interest on restitution to consumers of  
6 money or property acquired by Defendant as a result of the conduct complained of herein.

7           6.7     That the Court make such orders pursuant to RCW 19.86.080 to provide that the  
8 Plaintiff, State of Washington, recover from Defendant the costs of this action, including  
9 reasonable attorneys' fees.

10          6.8     That the Court order such other relief as it may deem just and proper to fully and  
11 effectively dissipate the effects of the conduct complained of herein, or which may otherwise  
12 seem proper to the Court.

13  
14 DATED this 24th day of January, 2022.

15                   ROBERT W. FERGUSON  
16                   Attorney General

17  
18   
19

20                   ANDREA ALEGRETT, WSBA #50236  
21                   DANIEL DAVIES, WSBA #41793  
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