



GOOGLE CONFESSES THAT IT SPIES ON THE PUBLIC AND FORWARDS INFO TO SPY AGENCIES AND THE DNC 

[Business](#) [AP Top News](#) [North America](#) [Technology](#)

## AP NewsBreak: Google clarifies location-tracking policy

By RYAN NAKASHIMA  
51 minutes ago

    <https://ap>

SAN FRANCISCO (AP) — Google has revised [a help page](#) that erroneously described how its “Location History” setting works, clarifying for users that it still tracks

location even if they turn the setting off.

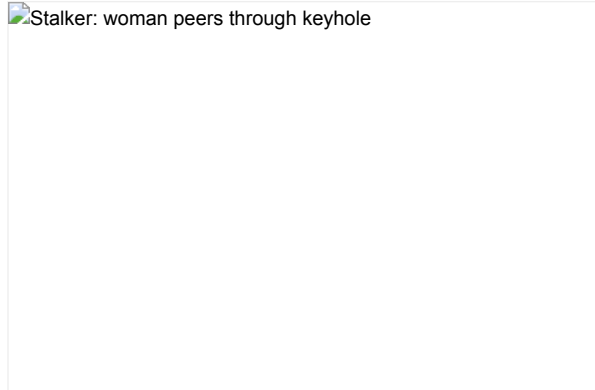
On Monday, [an Associated Press investigation](#) revealed that several Google apps and websites store user location even if users have turned off Location History. Google has not changed that practice.

But its help page now states: “This setting does not affect other location services on your device.” It also acknowledges that location data may be saved as part of your activity on other services, like Search and Maps.”

Previously, the page stated: “with Location History off, the places you go are no longer stored.”

The AP observed that the change occurred midday Thursday, three days after the AP’s initial report.

In a statement to the AP, Google said: “We have been updating the explanatory language about Location History to make it consistent and clear across our platforms and help centers.”

 Stalker: woman peers through keyhole

**Special Report** Privacy campaigners say Google's obsessive collection of location marker violates Europe's privacy laws - potentially exposing the Californian giant to punitive fines.

Several privacy watchers agree that as it stands, users are misled, and can't give informed consent. That exposes the company to financial penalty under GDPR rules: which could be 5 per cent or 4 per cent of turnover.

"Burying its stalking settings, while distracting users with a deliberately crippled 'Location history' button, isn't just deceitful - it's unlawful," campaigner Phil Booth opined. "Without proper consent or legitimate purpose, Google is breaching the GDPR rights of every EU citizen it has been tracking.

"Under GDPR, such location data - associated with a Google account - is clearly personal information, a breach of which could expose Google to a giant fine. The question is, will regulators act on globalised prowling?"

 Google data collection can Pause not Wipe

[Click to enlarge](#)

Even before GDPR, the EU's privacy "wise men" - the Article 29 Working Group, now the [European Data Protection Board](#) - regarded location data as [particularly sensitive](#).

AP's [investigation](#) this week described how Google continues to collect an individual's location markers, even when users believe they've disabled the data collection. That's not news to [Register](#) readers, as we have regularly pointed this out - but it has shocked the rest of the media and the public. Google has a strong historic interest in location data, being dubbed a ["obsessive stalker"](#).

AP found that:

- Location tracking continues when the user *thinks* they have disabled it. That's because

- Location tracking continues in Maps, Search and other Google applications regardless "Location History" setting.
- Warnings provided to both iOS and Android users are misleading

While other companies collect location data, and Apple certainly does, it only uses it for internal purposes, and that doesn't entail "sharing" - whereas Google is creating a highly personal profile of you accessible to advertisers. And that is where Google is vulnerable under the GDPR. Serena Tierney, a partner at V&V law firm and a data protection and privacy specialist, told us.

### **Google and the spirit of the GDPR**

For Tierney, Google is actually vulnerable on two areas, based on the user information AP

Firstly, the GDPR requires data collection to be for "specified, explicit and legitimate purposes".

"If Google is operating as AP describes, that isn't specified and explicit," Tierney said.

Secondly, there's what the GDPR calls the "data minimisation principle": that the personal data collected must be "adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed".

The legitimate purpose of the data collection must be clear. Is it only used for Google's own internal machine learning algorithms, say, or is it part of a personal profile sold to advertisers, Tierney asked.



Serena Tierney

"It's part of a wider public debate. Is this part of the social contract between society generally (including me) and search engines (including Google) that in return for getting free search, for example, we expect our personal data to be used for personal advertising, with no way for us to opt out?"

For example, she said, a parking app that obtains location data for the purposes of corroborating which car park you're using shouldn't then share that data with the nearest chip shop.

"Google would argue that they're getting our consent to do so - I would say they're not."

### **The first test**

Rafe Laguna, of open source infrastructure provider Open-Xchange thinks that location mapping could provide the first litmus test for the effectiveness of the new privacy rules.

"The Google location scandal could be the first real test of GDPR," he told us. "The regulation states that user consent must be clear, distinguishable and written in plain language."

Laguna added: "We will likely see European Data Protection Authorities take a stance on this issue over the coming months."



about the [value of your location](#) to advertisers earlier this year.

Google was defiant in a [canned statement](#) sent to *The Register* this week that "Location History is "entirely opt in", adding that: "We make sure Location History users know that when they disable the product, we continue to use location to improve the Google experience when things like perform a Google search or use Google for driving directions."

As we [noted here](#) earlier this year, the extent of Google's mobile data collection is only apparent if you configure a new Android device with a fresh "burner" Google account. Then it's apparent how inadequate the user controls are. Location isn't the only thing that's "Paused". Google continues to record your browsing history when you put the browser into "Incognito Mode".

We contacted the office of Giovanni Buttarelli, the European Data Protection Supervisor, for a statement, but had not received a response at press time. ®