Democrats say Google must curb location tracking before Roe repeal

A group of more than 40 Democratic members of Congress has asked Google to stop collecting and retaining "unnecessary" location data out of fear that it could be used to identify and prosecute people who have obtained abortions.

The request was made in a letter sent to Google CEO Sundar Pichai on Tuesday by members of the House and Senate, led by Senator Ron Wyden (D-OR) and including well-known progressive representatives such as Ayanna Pressley, Elizabeth Warren, Bernie Sanders, and Alexandria Ocasio-Cortez.

"We believe that abortion is health care," the letter states. "We will fight tooth and nail to ensure that it remains recognized as a fundamental right, and that all people in the United States have control over their own bodies. That said, we are concerned that, in a world in which abortion could be made illegal, Google's current practice of collecting and retaining extensive records of cell phone location data will allow it to become a tool for far-right extremists looking to crack down on people seeking reproductive health care."

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The letter specifically references geofence warrants, a controversial technique in which law enforcement agencies request that tech companies provide data on all mobile phones that passed through a geographically defined area in a certain time period. Geofence warrants have been criticized for their

use in the investigation of protesters during Black Lives Matter demonstrations, and their use has grown dramatically in recent years: data released by Google showed a pronounced spike from 2018 to 2020.

Crucially, geofence data is only available after a court-issued warrant – but with more than 20 states preparing to outlaw abortion as soon as *Roe v. Wade* is overturned, it's increasingly plausible that such a warrant could be used to target anyone visiting an abortion provider.

To prevent this from happening, the signatories of the letter request that Google redesign its location data collection practices so that device data is only collected at an aggregate level, rather than on an individual basis, and is not retained by the company for longer than needed. The letter also contrasts Google's location data policy with Apple's decision to minimize location data retention, stating that "Americans who can afford an iPhone have greater privacy from government surveillance of their movements than the tens of millions Americans using Android devices."

Reproductive rights advocates have been on high alert since a draft opinion was leaked on May 3rd suggesting that the Supreme Court intends to overturn *Roe v. Wade*. In particular, many have raised concerns that digital surveillance technology could be used to prosecute people who seek out abortions. On the same day that the Democratic letter was released, the New York-based Surveillance Technology Oversight Project published a report on the many ways that people seeking abortions might be tracked, citing a number of existing cases where data from internet search history or credit card transactions has been used against people who have terminated pregnancies.

In a statement, Albert Fox Cahn, executive director of the Surveillance Technology Oversight Project, welcomed the Congressional letter, saying that Google should delete its location data or be "complicit in criminalizing abortion."

“It’s not enough for tech firms to say they’re pro-choice, they have to stop collecting data that puts pregnant people at risk,” Cahn said. “There’s no way for Texas to station state police at every out-of-state abortion clinic, but with data from Google and other companies, they don’t need to. If tech giants don’t act soon, we’ll see pregnant people seeking abortion care out of state, only to come home to an arrest warrant.”

So far, Google has not made any public response to the letter; the company did not immediately respond to questions sent by *The Verge*.

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