

**ACLU Foundation of Northern California
Technology and Civil Liberties Program
Proposal for Google Location History Litigation *Cy Pres* Award
October 5, 2023**

The American Civil Liberties Union Foundation of Northern California is deeply grateful for the invitation to submit this proposal for *cy pres* funds from the Google Location History Litigation. We are excited to share three potential funding opportunities, ranging from one to three years of funding, which would support us to continue and expand our work to promote the protection of internet privacy. We welcome questions or further requests for information.

ORGANIZATION INFORMATION

Organization History, Programs, and Goals

The American Civil Liberties Union Foundation of Northern California (ACLU of Northern California) is a 501(c)(3) nonprofit organization and the largest state-based affiliate of the ACLU.¹ Founded in 1934, the ACLU of Northern California has been a leading champion of civil liberties and civil rights for more than ninety years and been unwavering in our commitment to fight for fairness, equality, and justice for all people.

We have worked throughout our organization’s history to ensure that fundamental rights are protected as technology advances and have been a national leader in privacy and technology work since the dawn of the digital age in the 1960s. The ACLU of Northern California helped spearhead the passage of the California constitutional right to privacy in 1972 and has played an instrumental role in the seminal California privacy cases and the development of California law that leads the nation in safeguarding and promoting internet privacy.

In 2004, the ACLU of Northern California created the Technology and Civil Liberties Program—the first dedicated ACLU legal program at a state affiliate to defend and promote privacy and support social justice in the digital age. The Technology and Civil Liberties Program has consistently been on the vanguard of cutting-edge legal work in the courts, with companies, and in communities to build on the inalienable constitutional privacy rights guaranteed to all Californians, and to safeguard and promote internet privacy rights for people in this state and far beyond. We work to build a world where technology is helping, not harming, people and supporting a just and equitable society.

¹ The ACLU Foundation of Northern California and the American Civil Liberties Union Foundation are separate legal entities and have independent boards and budgets. A *cy pres* award to the American Civil Liberties Union Foundation goes to the national entity, based in New York City. A *cy pres* award to the ACLU Foundation of Northern California goes to the California state office based in San Francisco and would support the internet privacy work of the Technology and Civil Liberties Program as detailed in this proposal.

The Technology and Civil Liberties (TCL) Program is one of six legal-policy programs at the ACLU of Northern California, and TCL program staff work on intersectional internet privacy projects with colleagues in our other program teams: Gender, Sexuality & Reproductive Justice, Immigrants' Rights, Democracy & Civic Engagement, Criminal Justice, and Racial & Economic Justice. Across issue areas, we employ decades of experience with integrated advocacy, using impact litigation, legislation,² community organizing, and public education to ensure that constitutional rights—to free speech, to privacy, to due process—don't just exist on paper, but also in practice. We are longtime champions of the full range of civil rights and liberties, and our work advancing internet privacy is intersectional by design.

Cy Pres Awards

The ACLU of Northern California has received prior *cy pres* awards to help develop and support its extensive internet privacy work, as well as *cy pres* awards for other areas of organizational work. The following are past *cy pres* awards for internet privacy and other related technology and privacy work of the Technology and Civil Liberties Program.

- *In re Google LLC Street View Electronic Communications Litigation* (2023), \$1,006,583 to the American Civil Liberties Union Foundation (ACLU National). ACLU National then selected affiliates for subgrants to support internet privacy work, including a \$250,000 subgrant to ACLU Foundation of Northern California.
- *Doe v. Twitter* (2016), \$302,914.26 for a statewide project to create awareness about online privacy issues and educate consumers and businesses about online privacy issues and safeguards that can be implemented to protect privacy rights.
- *UCAN v. Bank of America* (2007), \$305,034.25 to develop and implement a public campaign to educate consumers, policymakers, and businesses about internet privacy rights of people in California and the privacy implications presented by new and emerging technologies.
- *Rockers et al. v eBay, Inc., et al.* (2007), \$40,683.06 to develop and implement a public campaign to educate consumers, policymakers, and businesses about privacy rights of internet users in California and the privacy implications presented by new and emerging technologies.
- *UCAN v. Capital One* (2006), \$203,619.18 for the California National ID Initiative, a statewide public education and research project to educate Californians about informational privacy threats posed by issuance of new state and national identification documents, and to make significant progress with legislation designed to address some of these threats.

Charity Ratings

The ACLU Foundation of Northern California is rated as a Four-Star Charity with a charity score of 100% from Charity Navigator and a Gold Transparency rating from GuideStar.

² Legislative work is done by the ACLU of Northern California, a separate 501(c)4 organization, and is included here only to relay this component of our integrated advocacy approach. No *cy pres* funds would be used for legislative work.

GRANT PROPOSAL

Project Director

Nicole Ozer is the Technology and Civil Liberties Program Director for the ACLU of Northern California and has led the organization's cutting-edge work to defend and promote internet privacy and other rights in the modern digital world since 2004. Nicole sets the strategic vision for the Technology and Civil Liberties Program and its statewide team of lawyers working in the courts, in communities, with companies, and policymakers to promote internet privacy for people in California and far beyond.

From her position at the ACLU of Northern California, Nicole developed and led the ACLU's national internet privacy campaign, Demand Your dotRights. This multi-year public education campaign connected the dots on internet privacy and government surveillance and led to many internet privacy advances, including the first location information privacy transparency reports by AT&T and Verizon and the passage of the landmark California Electronic Communications Privacy Act (CalECPA). Nicole is a nationally recognized expert on internet privacy issues and regularly speaks at local, state, and national conferences and academic events and in the media.

Nicole graduated magna cum laude from Amherst College, studied comparative civil rights history at the University of Cape Town, South Africa, and earned her J.D. with a Certificate in Law and Technology from the University of California, Berkeley School of Law. Before joining the ACLU of Northern California, Nicole was an intellectual property attorney at Morrison & Foerster LLP in San Francisco.

Nicole spent the spring of 2019 on sabbatical as a Visiting Researcher at the Berkeley Center for Law and Technology and as a Non-Residential Fellow at the Stanford Digital Civil Society Lab. During her sabbatical, Nicole co-authored *Integrated Advocacy: Paths Forward for Digital Civil Society*. More information about Nicole's academic and legal publications is available at <https://www.aclunc.org/staff/nicole-ozes-esq-sheher>.

Nicole has been honored with the Privacy Award by the Berkeley Center for Law & Technology and the James Madison Freedom of Information Award by the Society of Professional Journalists. The Recorder recognized Nicole as a Woman Leader in Tech Law in both 2023 and 2018 and recognized the Technology and Civil Liberties Program as a finalist for Top Tech Litigation Department of the Year in 2023. The Daily Journal recognized Nicole as a top Artificial Intelligence Lawyer in 2019 and San Jose Magazine selected her as one of 20 "Women Making a Mark" in Silicon Valley.

Program Requests - Issues, Approach, Goals & Objectives, Activities, Funding, Timeline

We live in a digital world and people of all ages must rely on internet technology to communicate, connect, mobilize, and obtain necessities like housing, employment, and health care. For many people—especially Black and Brown and Indigenous communities, immigrants,

disabled people, and others that society may be trying to marginalize—our lives are increasingly shaped by the way technology is built and whether internet privacy is protected, or personal information is collected, used, and shared.

Defending and expanding internet privacy is critical because new technology can provide unprecedented power to invade personal lives, undermine fundamental rights, exacerbate injustice, and endanger people and democracy. As such, internet privacy now intersects with all social justice and civil rights issues of our time.

The ACLU of Northern California Technology and Civil Liberties Program is a national leader in using integrated legal strategies and coordinating work in the California courts, with companies, and in communities, to maximize the ability to defend and promote internet privacy not just for Californians, but also better protect these rights for people across the country and around the world.

The Technology and Civil Liberties Program has two long-term privacy goals, namely to: 1) ensure that all personal information gets the privacy protection it deserves; and 2) end deployment of dragnet internet surveillance practices by law enforcement and better protect vulnerable community members.

The ACLU of Northern California respectfully requests a *cy pres* award to both continue and expand the organization's important internet privacy work. The award would support both litigation and other integrated advocacy that build on our successful, decades-long efforts to advance internet privacy.

We seek *cy pres* funding to support the work of the ACLU of Northern California Technology and Civil Liberties Program for the following goals and objectives:

- (1) continue to work on important internet privacy cases and support new litigation and other legal strategies utilizing California state constitutional law to better protect internet privacy;
- (2) create more awareness and understanding about privacy issues and build stronger intersectional relationships to promote internet privacy;
- (3) educate the public about how personal information is commonly collected, retained, used, and disclosed and how people can better protect their internet privacy;
- (4) educate businesses about internet privacy issues and safeguards that can be implemented to better protect privacy rights.

Below are three possible funding options, ranging from one to three years of *cy pres* funding.

One-Year Proposal - \$750,000 Cy Pres Award

If selected for a \$750,000 *cy pres* award, we would be able to address the following goals and engage in the following activities:

- (1) Work on critical internet privacy cases in state and federal court and support new impact litigation and other legal strategies utilizing California law to better protect internet privacy.

Many important internet privacy cases are litigated in California state and federal courts, and the ACLU of Northern California regularly works on these cases. For example, recent work has included:

- *Meza v. Superior Court* (California Supreme Court) - filing an amicus letter in support of petition for review to the California Supreme Court about internet privacy and better protecting people's location information from government "geofence warrants," dragnet law enforcement demands to technology companies for people's location information to discover who was in a particular place at a particular time.
- *In Re Ricardo* (California Supreme Court) - filing an amicus brief in the successful California Supreme court case defending internet privacy of young people enmeshed in the criminal justice system.
- *EFF v. Superior Court* (California Supreme Court) - filing an amicus letter in support of petition for review to the California Supreme Court to better protect internet privacy by ensuring transparency about government use of cell site simulators to obtain location information and monitor where people go and what they do.
- *ACLU v. DOJ* (Northern District of California) - successfully litigating, in partnership with ACLU National, to enforce our freedom of information act request to seven federal agencies and obtain records to reveal how the government was attempting to undermine internet privacy through widespread surveillance of social media platforms.
- *Liapes v. Meta* (First District Court of Appeals) - filing an amicus brief, in partnership with ACLU National, related to the internet privacy implications of discriminatory ad targeting.
- *In re Eshelman* (Northern District of California) - successfully defeating a subpoena attempting to pierce the internet privacy of an individual who was targeted by a pharmaceutical tycoon for critical commentary.
- *hey Inc. v. Twitter* (Ninth Circuit Court of Appeals) - filing an amicus brief to protect individuals from use of a federal foreign discovery statute to pierce their internet privacy.

There are many other internet privacy cases currently moving through the California courts, including related to the sharing of personal information with data brokers and other third parties, challenges to children's internet privacy and other California laws, and cases related to internet privacy and viewing records. The funds would be used to continue to defend and promote the internet privacy rights of people in important cases.

The funds would also be used to develop new litigation work and other legal strategies utilizing California state constitutional privacy law and statutory law to better protect internet privacy. It would support the extensive legal research and writing, factual investigations, and expert technologist support needed for cutting-edge work in the courts to promote internet privacy.

We have a strong constitutional right to privacy in California and the ACLU of Northern California has played an instrumental role in the seminal California privacy cases including *White v. Davis*, *People v. Blair*, *Burrows v. Superior Court*, *Hill v. NCAA* and *Sheehan v. San Francisco 49ers*.

Today, in the aftermath of the Supreme Court decision in *Dobbs* and many states actively attacking reproductive and LGBTQ rights, it is more critical than ever to fully utilize state privacy law to protect people. The ACLU of Northern California has helped spearhead an important academic symposium on this issue that will be held at Berkeley Law on October 27, 2023. Leading academics and practitioners, including the Technology and Civil Liberties Program Director and the senior staff attorneys, will come together to discuss the current state of the law and discuss potential new and creative ways to utilize constitutional privacy law.

The funds will support the Technology and Civil Liberties Program to build off the learnings and momentum of this academic symposium and have the resources necessary to develop new cutting-edge litigation and other legal work to utilize California state constitutional privacy and statutory law to better protect internet privacy.

- (2) Create more awareness about internet privacy issues and strengthen intersectional relationships to more effectively defend and promote internet privacy.

To better defend and promote internet privacy, it is important to create more public awareness and build greater connection with racial justice, economic justice, and other issues to more effectively discuss the impact of internet privacy issues on people's lives and strengthen intersectional and collaborative work.

The ACLU of Northern California has already been able to do some impactful work in this area. We organized a remote convening in October 2022, bringing together 55 organizational and community leaders working on racial justice, youth justice, gender, sexuality and reproductive justice, immigrants' rights, environmental justice, and economic justice. This day-long convening of presentations and breakout conversations facilitated robust discussion about emerging issues and strategies for addressing internet privacy on new terrain and supported new intersectional relationships. We also started to develop an intersectional public narrative that has already been employed by diverse groups working on internet privacy campaigns. But much more can and should be done.

ACLU of Northern California recognizes the need to build on this existing work and support the intersectional education, partner engagement, organizing, and strategic communications. The funds would enable us to:

- Better communicate about how internet privacy affects people through narrative change and strategic communications on internet privacy. It would provide the funding needed for focus groups and message testing to inform more effective public narratives and public education materials on internet privacy and intersectional engagement.

- Diversify and strengthen coalitions to support internet privacy. It would support the team's travel, attendance, and participation at diverse events and coalition meetings to build and maintain needed relationships. It would support the partner engagement and coalition organizing needed to diversify and strengthen internet privacy coalitions.
- (3) Educate the public about how personal information is commonly collected, retained, used, and disclosed on the internet and how to better protect the privacy of their personal information.

Making sure that people better understand how personal information is collected, retained, used, and disclosed and how to better protect the privacy of their personal information is foundational to better protecting internet privacy.

The funds would allow us to:

- Research, draft, and publish at least four new easy-to-understand internet privacy education materials on topics such as:
 - Internet Privacy and Health Apps and Services
 - Internet Privacy and Location Information
 - Internet Privacy and Digital Payments
 - Internet Privacy & Learning What Information Has Been Collected and Shared About You
 - Internet Privacy & Government Demands for Your Personal Information
 - Internet Privacy and Student Information
 - Give presentations at local, state, and national conferences to educate a diverse cross-section of the public, including young people and people of color, about how to access resources about internet privacy issues and how to better protect their privacy.
 - Research and draft materials for both online distribution and offline publication, including newspapers, social networking sites, and our own blog, to highlight internet privacy issues and educate the public about how to better protect their privacy.
 - Continue to meaningfully serve as a privacy resource for the legal and technical community; analyze emerging privacy issues and develop new policy papers; support corporate advocacy by diverse partners; and participate in academic symposia, events, and educational activities to advance privacy issues hosted by public agencies, law schools, technology centers, and clinics in California and around the country.
- (4) Increase awareness and accountability among businesses on internet privacy issues and protections that should be implemented to better protect internet privacy rights.

Educating and effectively pushing companies to better protect internet privacy rights is also essential. The funds would allow us to:

- Research, draft, and publish an extensive update of the ACLU of Northern California's pioneering business primer, *Privacy & Free Speech, It's Good for Business*. With its more

than 150 real-life business case studies and internet privacy resources on information collection, retention, use, and disclosure, it is the most comprehensive resource of its kind to help companies better safeguard internet privacy (available online at www.aclunc.org/business/primer).

Many people have already utilized the business primer, and it has been the focus of presentations for the business, legal, and technical community at high-level conferences around the country such as South by Southwest, Defcon, Gartner, and the RSA Computer Security Conference. The business primer has also been cited by the Federal Trade Commission.

The funds also would allow us to:

- Research, draft, and publish at least four new internet privacy materials for business on topics such as:
 - Internet Privacy and Health Apps and Services
 - Internet Privacy and Location Information
 - Internet Privacy and Digital Payments
 - How Your Business Can Comply with Internet Privacy Law and Why It Matters
 - How Your Business Can Use Internet Privacy Law to Protect People from Government Demands
 - Internet Privacy and Student Information
- Meet with companies, both well established and start-ups, to discuss emerging technology and business models and push for incorporation of more effective internet privacy protections into product and business plan design and help prevent privacy invasions.

Timeline for all activities – to be completed within 1 year of receiving the *cy pres* award.

Two-Year Proposal - \$1.5 Million *Cy Pres* Award

A *cy pres* award of \$1.5 million would provide the additional support needed to implement the activities that were developed in Year 1 as well as fund important new projects to further deepen and expand the internet privacy work.

- (1) Continue to engage in the existing cases and support the implementation of the new litigation and legal strategies developed in Year 1 to utilize the California constitutional right to privacy.

The funds would support the extensive legal research and writing, factual investigations, and expert technologist support needed to continue to work on existing cases and implement the cutting-edge litigation and other legal strategies using California constitutional law and other laws developed during Year 1.

- (2) Continue to create more awareness about internet privacy issues and strengthen intersectional relationships to more effectively defend and promote internet privacy.

The funds would support continued, consistent work on narrative change and strategic communications work on internet privacy, including:

- Utilize the public narrative work developed in Year 1 and regularly use in public materials and press opportunities. Provide strategic support to also facilitate its effective use by diverse partners for their own internet privacy work.
- Continue to travel, attend, and participate in diverse events to build and maintain needed relationships.
- Continue partner engagement and organizing to diversify and strengthen internet privacy coalitions.
- Organize and host a follow-up intersectional convening to continue to support greater cross-organization work on emerging issues in internet privacy.

- (3) Continue to educate the public about how personal information is commonly collected, retained, used, and disclosed on the internet and how to better protect the privacy of their personal information.

The funds would support promotion of the materials produced in Year 1 and continued, consistent work to educate the public about internet privacy and how to better protect the privacy of their personal information.

- Widely promote the new easy-to-understand internet privacy education materials produced in Year 1.
- Continue to give presentations at local, state, and national conferences to educate a diverse cross-section of the public, including young people and people of color, about how to access resources about internet privacy issues and how to better protect their privacy.
- Continue to research and draft materials for both online distribution and offline publication, including newspapers, social networking sites, and our own blog, to highlight internet privacy issues and educate the public about how to better protect their privacy.
- Continue to meaningfully serve as a privacy resource for the legal and technical community; analyze emerging privacy issues and develop new policy papers; support corporate advocacy by diverse partners; and participate in academic symposia, events, and educational activities to advance privacy issues hosted by public agencies, law schools, technology centers, and clinics in California and around the country.

- (4) Continue to increase awareness and accountability among businesses on internet privacy issues and protections that should be implemented to better protect internet privacy rights.

The funds would support the promotion of materials produced in Year 1 and the continued, consistent work to educate and push businesses to better protect internet privacy.

- Promote the internet privacy update to the business primer, online through our website, social networking sites, our own blog, and online marketing. Offline through presentations at local, state, and national business conferences and events.
 - Continue to maintain and update the primer by researching, drafting, and publishing new real-life internet privacy case studies as they develop.
 - Prepare and meet with at least six companies, both well-established and start-ups, to discuss emerging technology and business models and help them integrate more effective internet privacy protections into product and business plan design and help prevent privacy invasions.
- (5) Develop new projects to deepen and expand our work and public knowledge about internet privacy issues by researching, drafting, and publishing two new white papers:
- White paper on internet privacy and cashless payments

The funds would allow our team to investigate and detail the internet privacy implications related to the rise of digital ordering and payment. This white paper would build on an initial investigation that we conducted with Berkeley Information School and law students during the 2022-2023 school year to identify the proliferation of no-cash policies in local stores.

The rise of digital ordering and payments at restaurants and other businesses is moving all of the internet privacy issues related to information collection, retention, use, and disclosure to the offline world.

When restaurants and other businesses make being able to order or pay digitally the only option (and needing to own a smartphone in order to do this), it also has significant implications for access and equity. Many people do not have a smartphone, including more than 40 percent of people over the age of 65, and 25 percent of people who make less than \$30,000 per year. People with disabilities and the unhoused are also less likely to own a smartphone. These are some of our most vulnerable communities.

- White paper on internet privacy and advertising implications on vulnerable communities

The funds would allow our team to investigate and detail the internet privacy implications of targeted advertising on communities, with an emphasis on discussing how Black and Brown communities, immigrant communities, people with fewer economic resources, and people seeking reproductive and gender-affirming care can be disproportionately affected.

Timeline for all activities – to be completed within 2 years of receiving the *cy pres* award.

Three-Year Proposal - \$2.25 Million *Cy Pres* Award

A *cy pres* award of 2.25 million would provide the additional support needed to implement the activities that were developed in Year 1 and started in Year 2, as well as fund additional projects to further deepen and expand the internet privacy work.

- (1) Continue to engage in existing cases and continue to support the implementation of the new litigation and legal strategies started in Year 2.

The funds would support the extensive, consistent, multi-year legal research and writing, factual investigations, and expert technologist support needed to work on cutting-edge litigation promoting internet privacy.

The funds would also support a follow-up convening on state constitutional privacy work to continue to build and expand new and creative litigation and other legal strategies.

- (2) Continue to create more awareness about internet privacy issues and strengthen intersectional relationships to more effectively defend and promote internet privacy.

The funds would enable us to continue to build on the work from Years 1 and 2, and to support the intersectional education, partner engagement, organizing, and strategic communications needed to better communicate about how internet privacy affects people and diversify and strengthen coalition efforts to protect internet privacy.

- (3) Continue to educate the public about how personal information is commonly collected, retained, used, and disclosed on the internet and how to better protect the privacy of their personal information.

The funds would enable us to continue to build on the work from Years 1 and 2 and consistently continue to educate the public about internet privacy issues and how to better protect the privacy of personal information. Activities include:

- Continue to promote the new easy-to-understand internet privacy education materials produced in Year 1 and update/develop new materials as necessary.
- Continue to give presentations at local, state, and national conferences to educate a diverse cross-section of the public, including young people and people of color, about how to access resources about internet privacy issues and how to better protect their privacy.
- Continue to research and draft materials for both online distribution and offline publication, including newspapers, social networking sites, and our own blog to highlight internet privacy issues, and educate the public about how to better protect their privacy.
- Continue to meaningfully serve as a privacy resource for the legal and technical community; analyze emerging privacy issues and develop new policy papers; support corporate advocacy by diverse partners; and participate in academic symposia, events, and educational activities to advance privacy issues hosted by public agencies, law schools, technology centers, and clinics in California and around the country.

- (4) Continue to increase awareness and accountability among businesses on internet privacy issues and protections that should be implemented to better protect internet privacy.

The funds would enable us to continue to build on the work from Years 1 and 2 and continue to consistently educate and push businesses to better protect internet privacy, as well as deepen the work with an additional focus on the venture capital community. Activities include:

- Continue to promote the internet privacy update to the business primer, online through our website, social networking sites, our own blog, and online marketing. Offline through presentations at local, state, and national business conferences and events.
- Continue to maintain and update the primer by researching, drafting, and publishing new real-life internet privacy case studies as they develop.
- Expand education and outreach to the venture capital community. As initial public offerings have slowed, businesses are now less likely to become public companies before impacting the internet privacy of many people. It has therefore become critical to engage more effectively with the venture capital community so that more internet privacy protective practices are encouraged and supported by the private investors who are working with these companies.

- (5) Deepen work and better protect internet privacy through technology research and interactive public education tools.

Damaging internet privacy practices are often hidden. It can be hard to discover what is really happening to personal information, and to effectively identify and communicate the potential implications. Using both technology research and developing creative, interactive technology tools to cut through these challenges has been an incredibly effective strategy. Funds would allow us to:

- Retain the expert technology support needed to conduct independent app and website privacy audits and other technical projects to continue to identify emerging internet privacy issues and engage in cutting-edge legal work.
- Work to develop a new, creative, interactive, technology tool to educate and protect internet privacy. We have a proven track record of being able to develop important technology tools like this when we have the resources available. For example, our ACLU of Northern California Facebook Quiz About Facebook Quizzes³ educated the public in a clear and interactive way what personal information—including political affiliation, religion, sexual orientation, and pictures—that Facebook apps were collecting about them and also about their Facebook friends.

³ Chris Conley, ACLU of Northern California blog post (August 26, 2009), <https://www.aclunc.org/blog/take-our-quiz-see-what-do-facebook-quizzes-know-about-you>; New York Times article about the quiz (August 27, 2009), <https://archive.nytimes.com/www.nytimes.com/external/readwriteweb/2009/08/27/27readwriteweb-what-facebook-quizzes-know-about-you-75429.html>

Our tech quiz walked people through what was happening to their personal information, why, and how to better protect their internet privacy.

Our tech quiz also publicly blew the whistle on the larger Facebook “privacy app-gap” — the internet privacy hole that Cambridge Analytica⁴ exploited as part of its shadowy voter-profiling work that used information from tens of millions of Facebook profiles during the 2016 election.

Timeline for all activities – to be completed within 3 years of receiving the *cy pres* award.

Benefit /Target Population for Project

The ACLU of Northern California is based in California, but the internet has no borders. We develop and implement our internet privacy work to benefit people far and wide, with a particular focus on how to support people who may be disproportionately affected by internet privacy threats, including people of color, people with fewer economic resources, immigrants, activists, and, now increasingly, people seeking reproductive and transgender healthcare in states that are criminalizing these rights.

Working in deep partnership and in support of diverse local, state, and national organizations and community activists, our ACLU of Northern California work on internet privacy has built the awareness, knowledge, and momentum necessary to develop stronger laws and corporate practices and give people the power to better control their internet privacy. This work has required companies all over the world to develop privacy policies, notify people about data breaches, and stop the collection and sharing of personal information. Our extensive corporate advocacy work has led to new international policies by large technology companies like Facebook and Twitter to protect the internet privacy of billions of people around the world.

Through the ACLU’s California affiliate network, our print and electronic newsletters, social media, and other distribution channels, we reach hundreds of thousands of people with our educational messaging and materials. Our materials also are often distributed by the national ACLU network of blogs and social networking feeds, and these communications can reach more than 1 million people.

With this *cy pres* funding, we can continue and expand this important internet privacy work.

EVALUATION

We agree to provide a report to the Court and the parties every six months informing the Court and the parties of how any portion of the Settlement Fund allocation to the ACLU of Northern California has been used and how remaining funds will be used.

⁴ Nicole Ozer and Chris Conley, ACLU blog post (March 23, 2018), <https://www.aclu.org/news/privacy-technology/after-facebook-privacy-debacle-its-time-clear-steps-protect>

We will evaluate the success of the grant based on achievement of each of the deliverables detailed in the proposal's goals and objectives, activities, and timeline for Year 1, Year 2, and Year 3. For example, in Year 1, achievement of activities delineated in (1)-(4), such as researching, drafting, and publishing at least four new easy-to-understand internet privacy education materials for people and for businesses, by the end of that grant year. For Year 2, achievement of activities delineated in (1)-(5), and for Year 3, achievement of activities delineated in (1)-(5).

Related to the overall success of the grant in enhancing and promoting internet privacy, the ACLU of Northern California Technology and Civil Liberties Program also sets long-term goals, annual goals, and short-term goals, and conducts annual evaluations to measure progress on all our priority work, including internet privacy.

As detailed in the proposal above, the *cy pres* award will support developing, publishing, and promoting a variety of new materials on internet privacy for people and businesses as well as presentations at diverse local, state, and national conferences, events, and academic symposia to better protect internet privacy.