

December 21, 2023



Deborah De Villa, Esq.
Ahdoot & Wolfson, PC
2600 W. Olive Avenue | Suite 500
Burbank, CA 91505

Michael Sobol, Esq.
Lieff Cabraser Heimann & Bernstein, LLP
275 Battery Street, Floor 29
San Francisco, CA 94111

Re: Google Location History Litigation, No. 5:18-cv-05062-EJD (N.D. Cal.)

Dear Ms. De Villa and Mr. Sobol:

Free Press appreciates the invitation to submit a proposal to receive a *cy pres* award in the above case. Free Press would make full use of an award in any amount to promote the protection of internet privacy. All activities underwritten by the settlement fund would be educational and charitable in nature, in accordance with IRS statutes regulating 501(c)(3) organizations.

What follows is the information requested by the Court.

I am grateful for your consideration. Should you have any questions or need for additional information, please do not hesitate to contact me at (310) 809-2577 or jgonzalez@freepress.net.

Sincerely,

A handwritten signature in black ink that reads 'Jessica J. González'.

Jessica J. González
Co-CEO
Free Press

ORGANIZATION INFORMATION

1. Name of Organization

Free Press

2. Founding and History of Organization

At Free Press, we believe that an equitable media and technology system is essential to achieving a peaceful, multiracial democracy and realizing a just society.

Free Press advocacy helps to mold public policy decisions that change the media and tech landscape, and we sound the alarm when people's rights are in danger. We focus on protecting civil and human rights online (including online privacy), ensuring internet access is universal and affordable, uplifting the voices of people of color in the media, challenging old and new media gatekeepers to serve the public interest, defending press freedom, and reimagining local journalism.

Free Press was founded in 2003 to ensure that the people have a say in these crucial policy debates that shape media and technology. By 2005 we had launched Save the Internet, the first-ever U.S. campaign for Net Neutrality — a historic effort that united a broad and diverse coalition that grew to include millions of activists and thousands of groups. This set the stage for many successful coalitions, campaigns, protests and victories to follow, including winning strong Net Neutrality rules at the Federal Communications Commission in 2015, and strong privacy rules for ISPs at the FCC the following year. We also organized a blockbuster public awareness campaign in 2020 to hold online platforms accountable - called Stop Hate for Profit - which resulted in over 1,000 companies pausing advertising on Facebook in response to its irresponsible business practices.

Free Press has a strong track record of fighting for internet privacy, including authoring a [model federal privacy policy](#) that has been the foundation of many legislative and regulatory policy proposals. In 2013, Free Press began tackling government surveillance as well as commercial privacy concerns online. We organized Stop Watching Us, a coalition that formed in the wake of revelations about the NSA's widespread surveillance of U.S. phone calls and messages, and organized the biggest-ever protest against the government spying on its own citizens.

Headquartered in Washington, D.C., under the leadership of co-CEOs Craig Aaron and Jessica J. González, alongside a staff of 37 and a base of 1.4 million activists in all fifty states, Free Press combines organizing and advocacy power; legal, research, and policy expertise; narrative and cultural strategies; digital communications and media outreach capacity; and network-building

and field coordination. All of this is bolstered by the lobbying capacity of our related 501(c)(4) organization, Free Press Action Fund.

3. Current Goals for Online Privacy Work

Free Press plays a central role in building power behind media and technology policy ideas that advance racial justice and civil and human rights. As a watchdog and advocate, we educate policymakers, the press and the public; pressure corporations to serve the public interest; organize campaigns with grasstops and grassroots constituencies to hold decision-makers accountable; and lead winning coalitions. We believe in building coalitions and uplifting the voices of those not heard often enough in the halls of power, and a theme that goes across our work is our generosity to partners and our commitment to organizing diverse groups with shared goals.

The following is a brief description of our core goals in our Democracy and Digital Civil Rights program, which manages all of our online privacy advocacy.

A. Research and Organizing to Pass Federal Privacy Regulations

Free Press will organize and build off research products like [*Insatiable: The Tech Industry's Quest for All Our Data*](#), to push the Federal Trade Commission to move forward with its ongoing proceeding on online privacy. That agency rulemaking proposes to limit the amount of data online platforms can collect and retain, and prohibit use of private data to discriminate against protected classes. As the agency progresses through its formal timeline for adopting such rules, Free Press will conduct legal and policy analysis, file its own [comments](#), and assist allies and coalitions in filing [theirs](#).¹

¹ This submission last Fall built on the [Disinfo Defense League Policy Platform](#), a collective effort on which Free Press led in crafting the legal, policy and factual research underpinning that document. The DDL Policy Platform outlines the steps Congress, the administration and the United Nations must take to [protect digital civil rights](#). In December 2021, Free Press co-CEO Jessica J. González testified before Congress on many of these recommendations, in a hearing on [disrupting dangerous algorithms and addressing the harms of persuasive technology](#). That hearing culminated a year of public education and collaborative work with then-Acting FTC Chair Rebecca Kelly Slaughter, along with other lawmakers and grassroots activists, to expose the pervasive problem of the use of private data for [targeting disinformation towards communities who speak languages other than English](#).

Through Free Press Action Fund, a related, independent and autonomous 501(c)(4) organization, we will directly advocate in Congress and to the White House for data privacy laws and policies to stem unwarranted surveillance online.²

B. Public Pressure Campaigns to Protect User Privacy and Civil Rights

As co-chair of Change the Terms, a coalition of more than five dozen civil and digital rights groups that pressures online platforms to act responsibly, we will work to raise public awareness about how targeted disinformation and harassment campaigns are fueled by the collection and exploitation of people's personal data. With [research](#), direct advocacy to companies and high-profile campaigns we will pressure companies to stop using private data to exploit and target their users with scams, disinformation, harassment and other abuse.

C. Protecting Online Privacy of Those Seeking Reproductive Healthcare

Post *Roe v. Wade*, law enforcement, government officials, and others began using online location data to investigate and harass people seeking reproductive healthcare. We sent Google a [letter](#) from 50+ civil rights organizations urging it to stop saving location data that contains sensitive health information. Google agreed to delete the location histories for users visiting abortion clinics. Shortly thereafter, Google broke that promise. Earlier this month Google announced that it will be updating its default policies to auto-delete every three months (instead of every eighteen). Free Press will continue to monitor the situation and apply pressure as needed.

4. Other Current Programs

In addition to our Democracy and Digital Civil Rights work, Free Press organizes three other program areas:

A. Equitable Internet: Access for All to the Open Internet

We fight for Net Neutrality, and advocate for public investment and policies to close the digital divide, all to ensure communications networks do not discriminate and are affordable, reliable and resilient. We are on track to restore the FCC's authority over broadband that was abdicated by the last administration, and to pass a federal Net Neutrality regulation through the Federal

² Most recently in Congress, we shaped a landmark bipartisan privacy and civil rights bill in 2022, the American Data Privacy and Protection Act (ADPPA), which would ban online platforms and other entities from collecting, processing and sharing people's data in ways that discriminate "on the basis of race, color, religion, national origin, sex, or disability." The ADPPA builds on core civil-rights principles of the kind laid out in [model legislation that Free Press Action developed](#) with the Lawyers Committee for Civil Rights Under Law in 2019. While the bill was not enacted, it was voted out of committee in the House by a nearly unanimous bipartisan vote, setting the stage for future advocacy and eventual passage.

Communications Commission in 2024 and defend that regulation in court in the year that follows.

B. Future of Journalism: Increasing Sustainable News and Civic Information

Free Press is committed to transforming the policies and practices that shape local journalism to create civic media that helps communities thrive. Through its journalism initiatives, Free Press designs and advances state and federal policies that sustain an accessible, diverse and equitable civic-information system. Alongside this work, we organize with communities and engage newsrooms to build power behind promising policies and reshape newsgathering practices to meet local needs.

C. Media Reparations: Reckoning With History and Envisioning a Liberatory Future

Through our Media 2070 project, we call on newsrooms, media and tech companies, the government and the broader public to reckon with and repair the historical and ongoing harm our nation’s media system has caused Black communities.

5. Past Cy Pres Awards

We are honored to have been entrusted as the recipient of the following *cy pres* award:

2012 \$75,000 *Valentine v. NebuAd, Inc.*, No. C08-cv-05113 (N.D. Cal.)

The award was unrestricted rather than allocated to a specific project. Free Press used this funding to advance our public interest work on internet access and data privacy and security.

6. Charity Navigator Ratings

On [Charity Navigator](#), Free Press has the highest-possible 4-star rating, with an additional rating of 99 percent.

On [Guidestar](#) (Candid), Free Press has achieved a Platinum Transparency rating (the highest possible).

On [Great Nonprofits](#), Free Press has maintained a Top Nonprofit rating for more than ten years running.

GRANT PROPOSAL

7. Project Director

Jessica J. González, co-CEO. An attorney and racial-justice advocate, Jessica is a leader in the fight to push media and tech companies to crack down on hate, disinformation and privacy violations online. She has testified before Congress on multiple occasions on issues including discriminatory algorithms, privacy and civil rights, tech accountability, Net Neutrality, media-ownership diversity and affordable internet access. Jessica co-founded Change the Terms, a coalition of more than 60 groups that works to disrupt online hate, helped lead the Stop Hate for Profit campaign's Facebook advertising boycott and sits on the Real Facebook Oversight Board. She has been featured in the *New York Times*, *Washington Post*, *Los Angeles Times*, on CBS, CNN, NPR and more. She sits on the boards of America's VOICE and the Latino Media Collaborative. Previously, Jessica was the executive vice president and general counsel at the National Hispanic Media Coalition, where she led the policy shop and coordinated campaigns against racist and xenophobic media programming. Prior to that she was a staff attorney and teaching fellow at Georgetown Law's Institute for Public Representation.

For a complete Free Press staff list and full bios see www.freepress.net/about/staff.

8. Summary of Proposed Program

Over the next three years, Free Press plans to set and advance priorities, in collaboration with allied organizations across the media, tech and democracy field. We will fight to protect privacy and other civil rights online, ensure public safety, uphold information integrity, and support democratic processes and values. In summary, Free Press plans to:

- A. Release research that informs educational and policy interventions.

Free Press is currently implementing a research agenda that will help raise public awareness on the extent and effects of online privacy violations, and that will support both government and corporate policy interventions to protect online privacy. In December 2023, Free Press launched a national polling project that aims to better understand what Americans understand and want when it comes to online privacy (and on other media and tech issues too). This research will inform our testing of educational messages in 2024 that will be designed to build support for public policies to regulate tech companies and increase privacy protections, as well as messages that help folks better understand how media, tech and AI are impacting our privacy and influencing our election information environments. In Q1 2024, we'll release the poll's findings, using the data to build persuasive public education campaigns for corporate accountability and government interventions to enhance user privacy online.

B. Launch public education campaigns that support policy interventions and pressure tech companies to stop using private data to target their users.

With the aim of reaching the press, policymakers, tech companies and the public, our campaign will educate these target audiences about how nefarious actors are using people's digital data, discriminatory algorithms and AI to undermine democracy. We intend to use these calls to action to build public support for public policy interventions that:

- Minimize the collection, retention and use of people's personal data to discriminate based on race, ethnicity, nationality, gender, LGBTQ+ status, or other protected categories.
- Curb unnecessary tracking of people's geolocation, healthcare, or other personal data.
- Reduce the virality and visibility of hate and disinformation flowing from machine learning tools that target users along an array of private identity markers.

In partnership with our Change the Terms coalition partners, in 2024 we'll launch an additional campaign that will pressure social media companies to improve election integrity policies, refrain from using people's data to manipulate them and enforce content moderation policies throughout the 2024 election cycle and 2025 inauguration.

Over the next three years, we will also shine a light on platforms' failures by releasing [research and analysis](#) on companies' policies, and their enforcement and governance structures. We'll also dialogue directly with platforms to improve those policies. Free Press will continue to watchdog corporations for privacy violations and be prepared to launch corporate pressure campaigns as needed to protect online privacy.

C. Anchor policy analysis and advocacy on treating data abuse as a civil rights and justice issue.

Over the next two years, Free Press will continue to build momentum and political and legal cover for the [Federal Trade Commission to move forward with its rulemaking on commercial surveillance and online discrimination](#). In 2024, we'll ramp up pressure for the FTC to move forward in that proceeding. Once the agency successfully adopts rules, we expect to have to defend those rules against legal challenges in the following year.

In Congress, we are seeing bipartisan disdain for tech excesses, and bipartisan support for bills like the Fourth Amendment Is Not For Sale Act, the Government Surveillance Reform Act, and the American Data Privacy and Protection Act. We will continue to provide research, analysis and education on ways to strengthen these bills and build broad support for their passage.

To empower grassroots groups led by people of color to set the agenda in these policy debates, Free Press will continue advising more than 200 Disinfo Defense League groups on policy and advocacy strategies. We will coordinate tactics with them to bring attention to the experiences of communities of color when it comes to harm from privacy invasions, discrimination, and targeted hate and disinformation online. This past year, we began collecting stories that illustrate the harms caused by such privacy invasions and discrimination, all to help supply federal agencies with the evidence they need to ground their own legal strategies and actions. In the coming year, Free Press will continue to [document these stories](#) and amplify them, by supporting grassroots engagement among impacted communities with the FTC's commercial surveillance proceeding, urging leaders to prioritize solutions that address discrimination, online privacy and civil rights.

9. Approach and Rationale

Social media and other tech companies profit from collecting vast quantities of people's personal data, which they've used along with ad-targeting tools and AI to discriminate against people based on their race, gender and other identities. For too long, women, LGBTQ people and people of color have been disproportionately harmed by this system of increasingly automated exploitation and discrimination. Companies and governments collect information from people that is then used to exclude them from economic and educational opportunities, deprive them of civil liberties, discourage their civic participation, and target them with disinformation. Free Press is committed to bringing front and center an analysis that shows the impacts on these communities; and to elevating their voices, stories and leadership when it comes to advancing and implementing solutions that advance civil and human rights.

The *Google Location History Litigation* reveals what is a chronic and foundational problem of tech platforms' exploitative business models. There is an urgent need for privacy regulation to hold tech giants, data brokers and all who facilitate the data marketplace accountable; and to protect users' privacy and civil rights. These regulations must prioritize:

- Data minimization: narrowing the permissible scope for the collection, retention, use and sale of personal data, allowing only what is necessary and proportionate to provide or maintain the specific product or service that a user requests;
- Transparency: enabling us to see whether companies are complying with their own policies (and, in the future, regulatory requirements);
- Digital civil rights: protecting people's rights so personal data isn't used to discriminate against or disadvantage us on the basis of protected characteristics;
- Data control: giving people easy and clear choices on how their data may be collected and used, as well as the ability to delete previously collected data; and

- Private right of action: letting people go to court when their civil rights and privacy rights are violated.

Free Press employs a team of lawyers, economists and policy researchers to analyze and develop public policies and educate policymakers and the public.

10. Funding Requirements

Free Press requests an award of \$5 million over a three-year period, structured as \$1.4 million in year one; \$1.7 million in year two and \$1.9 million in year three.

This level of support represents approximately 20% of our projected annual budget, which is \$7.5 million in 2024, \$8.25 million in 2025, and \$9 million in 2026.

Funds would be targeted to cover staffing, direct and indirect costs of the Democracy and Digital Civil Rights program area that manages all of our online privacy advocacy and campaigning. The core team includes 7 full-time staff:

Co-CEO, Jessica J. González

VP of Policy and General Counsel, Matt Wood

Senior Counsel and Director Digital Justice and Civil Rights, Nora Benavidez

Senior Advisor, Economic and Policy Analysis, S. Derek Turner

Policy Counsel, Jenna Ruddock

Managing Director, Candace Clement

Campaign Manager, Rose Lang-Maso

This team is supported by time from 30 other staff in executive, marketing/communications, operations/finance/security, and development roles. Salaries, payroll taxes and benefits amount to 75% of all costs in any year. Therefore if awarded \$5 million, \$3.75 million would ensure retention of current staff and modest expansion of up to two full-time positions early in the three year timeframe.

Added capacity will help Free Press in expanding coalition coordination, education and policy advocacy efforts at the FTC, as well as mobilizing grassroots support to ensure the adoption of strong privacy regulations by the same agency. In year three, we will shape the implementation of the FTC rules, including by ensuring that any regulations survive judicial scrutiny, and by tracking and flagging corporate practices that would seem to violate those new rules.

Direct program costs include consultant and advisor fees to conduct research and polling; publications and communications; evaluation; meetings/events and travel. Indirect costs include allocation of Free Press overhead such as rent, utilities, insurance, legal, audit, website, and

licensed software. Non staffing direct and indirect costs would be \$1.25 million over the three year period.

If the *cy pres* funding granted is smaller or larger, we can accept a different amount and will seek to leverage this support with additional funding from private foundations, public charities and individual donors. Free Press has a longstanding gift acceptance policy designed to ensure our independence and sole focus on the public interest. We do not accept donations from for-profit corporations or government entities. This differentiates Free Press from many organizations in our sector.

Free Press has a demonstrated track record of effective stewardship of multi-year funding, and many current multi-year supporters have high trust in our organization's financial capacity such that they distribute the entire grant up front. In these instances Free Press internally restricts funding for the future years, retaining funds in FDIC insured accounts.

11. Use of Funds

Cy pres funding will be used to continue existing Democracy and Digital Civil Rights program work that has demonstrated success, shown strong momentum, and proven the ability to replicate or expand. Full funding at the amount requested will enable strategic expansion of capacity to carry out the goals outlined above.

12. Target Population

Free Press' online privacy advocacy will protect the privacy and civil rights of all Americans, but especially classes of people protected under federal civil rights law.

Free Press prioritizes serving communities that don't often have a voice in policy making, particularly communities of color. Our work in this area is led by our co-CEO, a Mexican American woman, and the Free Press team, which is half people of color.

A key focus of Free Press activities is to educate policymakers at independent federal agencies such as the Federal Communications Commission and Federal Trade Commission, as well as decision-makers in Congress, at the White House, Commerce Department and Justice Department.

EVALUATION

13. Reporting

Free Press has strong capacity to monitor program outcomes and deliverables and to provide interim and final evaluation and impact reports. Free Press agrees 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 allocated to it has been used and how remaining funds will be used.

14. Evaluation and Success

Free Press utilizes the “OKRs” (Objectives and Key Results) framework to set and evaluate goals. At the beginning of the year, and again at the outset of each quarter, the executive team sets organizational-wide OKRs, and each team, including the Democracy and Digital Civil Rights team, sets supporting OKRs, which will enhance or promote the protection of internet privacy. Evaluation metrics will include campaign progress, legal and regulatory successes, field reach and growth, research impact, event success, equity, press and media reach, and fiscal and operational health. Evaluation is rigorous and includes monthly, quarterly, and annual reflections at the staff and board levels, so as to learn from challenges and build from success.

15. Publications

Results of the project will be published in legal filings and testimony, research reports, policy agendas, fact sheets and memos, blog posts and op-eds. These products are disseminated widely via press releases, earned press, and conference presentations, and are freely accessible for download at our website at www.freepress.net.

Each year, Free Press earns thousands of media hits, where our policy positions and analysis are shared with the public. For example, in 2022 we had 3,500 press hits in outlets including ABC, the Associated Press, the BBC, CBS, CNN, *The New York Times*, NBC, *On the Media*, Reuters, *The Wall Street Journal*, *The Washington Post* and *USA Today*. Our op-eds appeared in places like *The Boston Globe*, CNN, *The Columbia Journalism Review* and *USA Today*.