NOTICE OF FILING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 29/10/2019 9:59:21 AM AEDT and has been accepted for filing under the Court's Rules. Details of filing follow and important additional information about these are set out below.

Details of Filing

Document Lodged: Concise Statement File Number: NSD1760/2019

File Title: AUSTRALIAN COMPETITION AND CONSUMER COMMISSION v

GOOGLE AUSTRALIA PTY LTD & ANOR

Registry: NEW SOUTH WALES REGISTRY - FEDERAL COURT OF

AUSTRALIA



Dated: 29/10/2019 10:13:50 AM AEDT Registrar

Important Information

Wormich Soden

As required by the Court's Rules, this Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date and time of lodgment also shown above are the date and time that the document was received by the Court. Under the Court's Rules the date of filing of the document is the day it was lodged (if that is a business day for the Registry which accepts it and the document was received by 4.30 pm local time at that Registry) or otherwise the next working day for that Registry.

Concise Statement

No.



Federal Court of Australia

District Registry: New South Wales

Division: General

Commercial and Corporations National Practice Area (Economic Regulator, Competition and

Access)

Australian Competition and Consumer Commission

Applicant

Google LLC and another referred to in the schedule

Respondents

A. IMPORTANT FACTS GIVING RISE TO THE CLAIM

- 1. This proceeding concerns representations made to consumers by the Respondents (Google LLC (a company incorporated in the United States) and Google Australia Pty Ltd, collectively referred to as **Google**), about the data that they collected from users' Android mobile devices which were signed into electronic accounts operated by Google LLC.
- 2. As set out in more detail below, the ACCC alleges that Google represented to users of the Android Operating System that it would not obtain data about their location, or that where such data was obtained it would only be used for the user's own purposes. However, Google did obtain and retain such data and used that data for Google's purposes.
- 3. From at least 1 January 2017, Google supplied various products and services to consumers in Australia, including various Google Services, the Android Operating System and Pixel phones, as detailed below.
- 4. Google LLC supplies a range of software products and services to consumers in Australia. In this concise statement, those goods and services (other than the Android Operating System) are referred to as the Google Services. The Google Services include the "Google Play Store" (a mobile application and online entertainment store), "Google Search" (an internet search engine), "Google Chrome" (a web browser), "Google Maps" (a mapping application), "Gmail" (an email service and application) and "YouTube" (an online video platform).
- 5. Google Accounts are accounts available to individual users. Use of some Google Services (e.g. the Google Play Store) requires the user to be signed into his or her Google Account. Other Google Services have limited functionality if the user does not sign into a Google Account (e.g. YouTube).

Filed on behalf of (name & role of part	y) Australian Competition and Consumer Commission (Applicant)
	Andrew Riordan, James Love and Sophie Wade of Norton Rose
Prepared by (name of person/lawyer)	Fulbright, and Kate Richardson SC and Anais D'Arville of counsel
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- 6. The **Android Operating System** is a mobile operating system developed by Google LLC which it updates regularly. Google LLC permits the Android Operating System to be used by other companies on an "open source" basis.
- 7. Third party manufacturers of mobile devices who use the Android Operating System may also licence and pre-install Google Mobile Services (**GMS**) from Google LLC. GMS is a set of Google applications (including the Google Play Store, Google Search, Google Chrome and YouTube) and application programming interfaces used on mobile devices running on the Android Operating System.
- 8. Google LLC requires licensees of GMS to meet certain requirements, including that no modifications are made to Google Account settings on devices installed with GMS. The significant majority of third party manufacturers who use the Android Operating System for mobile devices supplied in Australia also license GMS. In the remainder of this concise statement references to the Android OS are references to the Android Operating System with GMS installed.
- 9. The **Pixel** is a mobile phone which Google LLC manufactures and Google Australia Pty Ltd supplies to consumers in Australia. The Pixel phone uses the Android OS.
- 10. In this concise statement, a **User** is a person who:
 - (a) has a Google Account;
 - (b) has a mobile device which uses the Android OS; and
 - (c) has one or more of those mobile devices linked to his or her Google Account (those devices being referred to as **Linked Devices**).
- 11. **Personal Data** is data which is identifiable as being associated with the holder of a particular Google Account.
- 12. From 1 January 2017 to date, the settings within Users' Google Accounts included "Location History" and "Web & App Activity".
- 13. At all relevant times, the default setting when a User set up a Google Account was that the Location History setting was turned "off" (or "paused"). Where a User turned Location History "on", Google regularly obtained and retained Personal Data in relation to the User's location from the User's Linked Devices.
- 14. At all relevant times, the default setting when a User set up a Google Account was that the Web & App Activity setting was turned "on". When that setting was turned "on", Google obtained and retained Personal Data in relation to the activities carried out using Google Services. That included Personal Data about the User's location.
- 15. In this concise statement:
 - (a) using Personal Data for a **User's Purpose** means obtaining, retaining or using that Personal Data for the purpose only of the User's use of Google Services;
 - (b) using Personal Data for one of **Google's Purposes** means obtaining, retaining or using that Personal Data in any of the following ways:

- (i) to personalise advertisements for other users;
- (ii) to infer demographic information;
- (iii) to measure the performance of advertisements;
- (iv) to promote, offer to supply or supply advertising services to third parties; or
- (v) to produce anonymised, aggregated statistics (such as store visit conversions statistics) and sharing those statistics with advertisers.

Setup Process on Android OS

- 16. Paragraphs 17-19 apply to Users who used the Android OS to set-up their Google Accounts between 30 April 2018 and 23 October 2018 and some (but not all) Users between 23 October 2018 and 19 December 2018.
- 17. During the set-up of the User's Google Account, some Users would:
 - (a) be shown a screen which contained content similar to that at Item 1 of the Annexure;
 - (b) click on "More Options" and be shown additional content similar to that at Item 2 of the Annexure (referred to as the **Setup Location Statements**); and
 - (c) press "I agree" at the bottom of that screen.
- 18. During the process described in paragraph 17, the User was not notified or alerted to the fact that even if Location History was "off" (or "paused") Google may continue to obtain, retain and use Personal Data about the User's location.
- 19. In respect of the screen referred to in paragraph 17(b):
 - (a) the only setting which had a title or description which used the word "location" was the Location History setting;
 - (b) the toggles listed under the Location History setting made it apparent that the default option (described as "Don't save my Location History in my Google Account") was that Location History was turned "off";
 - (c) the description for Web & App Activity did not make any reference to location or any reference to Google obtaining, retaining or using Personal Data about the User's location.

Obtaining access to the Location History Setting

- 20. Where a User had previously turned Location History "on" and wished to turn it "off" (or "pause" it) using their Linked Device, the User would first obtain access to the Location History page.
- 21. To obtain access to the Location History page, a User would do one of the following:
 - (a) enter into the "Settings" on their device and click on the following:
 - (i) "Location", then "Google Location History"; or
 - (ii) "Google", then "Location", then "Google Location History"; or

- (iii) "Google", then "Personal info & privacy", then "Activity Controls", then "Google Location History"; or
- (b) enter into the "Settings" on their device and click on the following:
 - (i) "Google", then "Location", then "Google Location History"; or
 - (ii) "Google", then "Google Account", then "Data & personalisation", then "Location History"; or
- (c) enter into the "Settings" on their device and click on the following:
 - (i) "Google", then "Account Services", then "Location", then "Google Location History"; or
 - (ii) "Google", then "Manage your Google Account", then "Data & personalisation", then "Location History".
- 22. In the screens referred to in paragraph 21:
 - (a) the account setting which included the word "location" was the "Location History" setting or "Google Location History" setting, as referred to above; and
 - (b) the screen which the User saw after clicking on "Data & personalisation" as referred to in paragraphs 21(b)(ii) and 21(c)(ii) contained the following text: "You can choose to save your activity for better personalisation across Google. Turn on or pause these settings at any time."
- 23. Users who used the Android OS between 1 January 2017 and around August 2017 took the steps in paragraph 21(a).
- 24. Some Users who used the Android OS between around August 2017 and around October 2019 took the steps in paragraph 21(a) and other Users in that period took the steps in paragraph 21(b).
- 25. Users who used the Android OS between around October 2019 to date took the steps in paragraph 21(c).

Location History Statements

26. After taking the steps referred to in paragraph 21, Users who had previously turned Location History "on" and wished to turn it "off" (or "pause" it) using their Linked Device were required to take the steps referred to in either paragraphs 27, 30 or 34.

27. Some Users:

- (a) were presented with a screen similar to one of those shown at Item 3 of the Annexure;
- (b) pressed a toggle next to the words "On" or "Use Location History" and were then shown a message similar to one of those shown at Item 4 of the Annexure; and
- (c) after pressing "OK", were shown a screen similar to one of those at Item 5 of the Annexure.

- 28. The images at Items 3-5 of the Annexure are referred to as the **Type A Location History Statements**. Those statements were shown to some Users on and from 1 January 2017 until 22 October 2018.
- 29. During the process referred to in paragraph 27 the User was not notified or alerted to the fact that, if Location History was "off" (or "paused"), Google may continue to obtain, retain and use Personal Data about the User's location.

30. Some Users:

- (a) were presented with a screen showing text similar to that at Item 6 of the Annexure;
- (b) pressed a toggle next to the words "on" or "Use Location History" and were then shown a message with text similar to that at Item 7 of the Annexure; and
- (c) after pressing "OK", were shown a screen with the same text as referred to in paragraph 30(a), but with the toggle changed to "off".
- 31. The text at Items 6-7 of the Annexure are referred to as the **Type B Location History Statements**. Those statements were shown to some Users from 9 May 2018 to 1

 December 2018.
- 32. During the process referred to in paragraph 30, the User was not notified or alerted to the fact that the User could prevent Google from obtaining, retaining or using Personal Data about the User's location arising from the User's use of Google Services (like "Search" and "Maps" services) by switching the Web & App Activity setting off.
- 33. During the process referred to in paragraph 30, the User was not notified or alerted to the fact that even if Location History was "off" (or "paused"), Google may continue to obtain, retain and use Personal Data about the User's location for one or more of Google's Purposes.

34. Some Users:

- (a) were presented with a screen similar to that shown at Item 8 of the Annexure;
- (b) pressed a toggle next to the words "Location History" and were then shown a message similar to that shown at Item 9 of the Annexure; and
- (c) after pressing "Pause", were shown a screen similar to that shown at Item 10 of the Annexure.
- 35. The images at Items 8-10 of the Annexure are referred to as the **Type C Location History Statements**. Those statements were shown to some Users from 16 October 2018 to date.
- 36. During the process referred to in paragraph 34, the User was not notified or alerted to the fact that even if Location History was "off" (or "paused"), Google may continue to obtain, retain and use Personal Data about the User's location for one or more of Google's Purposes.

Web & App Activity Statements

- 37. Where a User wished to consider whether to turn Web & App Activity "off" (or "pause" it) using their Linked Device, the User would first obtain access to the "Web & App Activity" page.
- 38. To obtain access to the Web & App Activity page, a User would enter into the "Settings" on their device and click on one of the following:
 - (a) "Google", then "Personal info & privacy", then "Activity Controls", then "Web & App Activity";
 - (b) "Google", then "Google Account", then "Data & personalisation", then "Web & App Activity"; or
 - (c) "Google", then "Manage your Google Account", then "Data & personalisation", then "Web & App Activity".
- 39. In the screens referred to in paragraph 38:
 - (a) the Web & App Activity setting did not include the word "location" in the name of the setting, nor was there a description in any of those screens alerting the User to the fact that the Web & App Activity setting was relevant to location;
 - (b) any reference in those screens to the word "location" was to the Location History setting or "Google Location History" or to a means by which a User could navigate to those settings, and not to the Web & App Activity setting;
 - (c) the screen which the User saw after clicking on "Data & personalisation" as referred to in paragraphs 38(b) and 38(c) stated: "You can choose to save your activity for better personalisation across Google. Turn on or pause these settings at any time."
- 40. Users who used the Android OS between 1 January 2017 and around April 2018 took the steps in paragraph 38(a).
- 41. Users who used the Android OS between around April 2018 to around October 2019 took the steps in paragraph 38(b).
- 42. Users who used the Android OS between around October 2019 to date took the steps in paragraph 38(c).
- 43. In respect of the "Activity Controls" screen (referred to in paragraph 38(a)) and the "Data & personalisation" screen (referred to in paragraphs 38(b) and 38(c)), of the settings there listed the only setting which had a title or description which used the word "location" was the "Location History" or "Google Location History" setting.
- 44. After taking the steps referred to in paragraph 38(a), 38(b), or 38(c), where a User's Web & App Activity setting was "on":
 - some Users between 9 March 2017 and approximately 11 June 2018 were presented with a screen similar to the screen at Item 11 of the Annexure (the Type 1 Web & App Activity Statements);

- (b) some Users between 9 May 2018 and 29 November 2018 were presented with a screen similar to the screen at Item 12 of the Annexure (the Type 2 Web & App Activity Statements);
- (c) some Users from 8 October 2018 to date were presented with a screen similar to one of the images at Item 13 of the Annexure (the Type 3 Web & App Activity Statements);
- (d) some Users between 12 November 2018 and 3 December 2018 were presented with a screen containing text similar to that at Item 14 of the Annexure (**Type 4 Web & App Activity Statements**).
- 45. During the process referred to in paragraphs 38-43 and 44(a) or 44(b), the User was not notified or alerted to the fact that, if Web & App Activity was "on", Google may continue to obtain, retain and use Personal Data about the User's location.
- 46. During the process referred to in paragraphs 38-44, the User was not notified or alerted to the fact that, if Web & App Activity was "on", Google may continue to obtain, retain and use Personal Data about the User's location for one or more of Google's Purposes.

Google made the statements

- 47. Google provided the Setup Location Statements, Type A Location History Statements, Type B Location History Statements, Type C Location History Statements, Type 1 Web & App Activity Statements, Type 2 Web & App Activity Statements, Type 3 Web & App Activity Statements and Type 4 Web & App Activity Statements to:
 - (a) Users with a Pixel phone, by:
 - (i) manufacturing and supplying the Pixel phones which operate only on the Android OS; and
 - (ii) making those statements through the operation of the Android OS;
 - (b) Users with other mobile devices running on the Android OS, by:
 - (i) making the Android OS available to manufacturers for use on those devices subject to the requirements referred to in paragraph 8; and
 - (ii) making those statements through the operation of the Android OS.

Representations

- 48. By:
 - (a) providing Users with the Setup Location Statements; and
 - (b) not, at the same time, providing the information referred to in paragraph 18.

Google represented to Users that:

- (i) the Location History setting controlled whether Google would obtain Personal Data about the User's Location from a Linked Device; and/or
- (ii) if the Location History remained "off" (or "paused"):

- (A) Google would not obtain Personal Data about the User's location from a Linked Device; and/or
- (B) Google would not use any Personal Data about the User's location obtained from a Linked Device.

49. By:

- (a) providing Users with the Type A Location History Statements; and
- (b) not, at the same time, providing the information referred to in paragraph 29,

Google represented to Users that if they turned Location History "off" (or "paused" it):

- (i) Google would not obtain further Personal Data about the User's location from a Linked Device;
- (ii) Google would not use any further Personal Data about the User's location obtained from a Linked Device.

50. By:

- (a) providing Users with the Type B Location History Statements; and
- (b) not, at the same time, providing the information referred to in paragraph 32,

Google represented to Users that the only way to prevent Google from obtaining Personal Data about the User's location from a Linked Device arising from the User's use of:

- (i) other Google Services (such as "Search" and "Maps" services) was to cease using those services; and/or
- (ii) Google's "Search" and "Maps" services was to cease using those services.

51. By:

- (a) providing Users with the Type B Location History Statements; and
- (b) not, at the same time, providing the information referred to in paragraph 33,

Google represented to Users that if they turned Location History "off" (or "paused" it), this would have one or more of the results described in paragraph 55.

52. By:

- (a) providing Users with the Type C Location History Statements; and
- (b) not, at the same time, providing the information referred to in paragraph 36,

Google represented to Users that if they turned Location History "off" (or "paused" it), this would have one or more of the results described in paragraph 55.

53. By:

- (a) providing Users with the Type 1 and Type 2 Web & App Activity Statements; and
- (b) not, at the same time, providing the information referred to in paragraph 45,

Google represented to Users that having Web & App Activity turned "on" would not allow Google to obtain, retain and use Personal Data about the User's location.

54. By:

- (a) providing Users with the Type 1, Type 2, Type 3 and Type 4 Web & App Activity Statements; and
- (b) not, at the same time, providing the information referred to in paragraph 46,

Google represented to Users that if Web & App Activity was turned "on" this would have one or more of the results described in paragraph 55.

- 55. The results referred to in paragraphs 51, 52 and 54 were that:
 - (a) Google would only obtain further Personal Data about the User's location obtained from a Linked Device for the User's Purpose;
 - (b) Google would only use further Personal Data about the User's location obtained from a Linked Device for the User's Purpose;
 - (c) Google would not obtain further Personal Data about the User's location obtained from a Linked Device for any of Google's Purposes; and/or
 - (d) Google would not use further Personal Data about the User's location obtained from a Linked Device for any of Google's Purposes.
- 56. The representations in paragraphs 48-54 are referred to collectively as the **Representations**.

Misleading or deceptive conduct and false or misleading representations

- 57. In fact, where Users had Location History turned "off" (or "paused") and the Web & App Activity setting turned "on":
 - (a) Google obtained and retained Personal Data about the User's location; and
 - (b) Google used that Personal Data for one or more of Google's Purposes.
- 58. In fact, where Users had both Location History and Web & App Activity turned "off" (or "paused"), this prevented Google from obtaining Personal Data about the User's location from a Linked Device arising from the User's use of Google Services (including "Search" and "Maps" services).

B. RELIEF SOUGHT

59. The Applicant seeks the relief set out in the accompanying Originating Application.

C. PRIMARY LEGAL GROUNDS FOR THE RELIEF SOUGHT

- 60. Google engaged in the conduct referred to above, and made the Representations, in trade or commerce.
- 61. To the extent that the Representations were with respect to future matters, the ACCC relies upon s 4 of the *Australian Consumer Law* (**ACL**), contained in Schedule 2 to the *Competition*

- and Consumer Act 2010 (Cth) (CCA), and contends that Google did not have reasonable grounds for making the Representations.
- 62. By reason of the matters set out in paragraphs 3-47, 57-58 and 60-61, Google engaged in conduct that was:
 - (a) misleading, deceptive, or likely to mislead or deceive, in contravention of s 18 of the ACL; and/or
 - (b) liable to mislead the public as to the nature, the characteristics and the suitability for purpose of the Android OS, Google Services or Pixel phones, in contravention of s 33 or, alternatively, s 34 of the ACL.
- 63. Further, or alternatively, by making the Representations, for the reasons set out in paragraphs 16-58 and 60-61, Google:
 - (a) engaged in conduct that was misleading or deceptive or likely to mislead or deceive, in contravention of s 18 of the ACL;
 - (b) made false or misleading representations that the Android OS, Google Services or Pixel phones had performance characteristics, uses or benefits that they did not have, in contravention of s 29(1)(g) of the ACL; and
 - (c) engaged in conduct that was liable to mislead the public as to the nature, the characteristics and the suitability for purpose of the Android OS, Google Services or Pixel phones, in contravention of s 33 or, alternatively, s 34 of the ACL.

D. ALLEGED HARM SUFFERED

- 64. Google's conduct caused Users to understand that Personal Data about their location was not being obtained, retained or used by Google when, in fact, Personal Data in relation to Users' locations was being obtained and retained by Google, and used by Google for purposes other than the Users' use of Google Services.
- 65. That caused harm to Users because:
 - (a) the misleading information provided by Google meant that Users were not able to make an informed choice about the Personal Data in relation to their location that they wished Google to obtain and use;
 - (b) if Users had been able to make an informed choice they may have taken steps to stop Google obtaining and retaining the Personal Data in relation to their location;
 - (c) the private information of many Users the Personal Data in relation to their location
 has been obtained, retained and used by Google (including for its own purposes)
 without those Users' knowledge.

Date: 29/10/19

This Concise Statement was prepared by Andrew Riordan, James Love and Sophie Wade of Norton Rose Fulbright, and Anais D'Arville and Kate Richardson SC of counsel.

Certificate of lawyer

I Andrew Riordan certify to the Court that, in relation to the Concise Statement filed on behalf of the Applicant, the factual and legal material available to me at present provides a proper basis for each allegation in the pleading.

Date: 29/19/19

Signed by Andrew Riordan

Lawyer for the Applicant

Filed on behalf of (name & role of party)	Australian Competition and Consumer Commission (Applicant)
	Andrew Riordan, James Love and Sophie Wade of Norton Rose
Prepared by (name of person/lawyer)	Fulbright, and Kate Richardson SC and Anais D'Arville of counsel
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Schedule

No. of 2019

Federal Court of Australia

District Registry: New South Wales

Division: General

Commercial and Corporations National Practice Area (Economic Regulator, Competition and

Access)

Respondents

Second Respondent:

Google Australia Pty Ltd

Date: 29/19/19

Annexure

Item 1 - Setup Location Statements

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Privacy and Terms

To create a Google Account, you'll need to agree to the Terms of Service below.

In addition, when you create an account, we process your information as described in our **Privacy Policy**, including these key points:

Data that we process when you use Google

- When you set up a Google Account, we store information you give us like your name, email address and telephone number.
- When you use Google services to do things such as write a message in Gmail or comment on a YouTube video, we store the information that you create.
- When you search for a restaurant on Google Maps or watch a video on YouTube, for example, we process information about that activity – including information such as the video that you watched, device IDs, IP addresses, cookie data and location.
- We also process the kind of information described above when you use apps or sites that use Google services such as ads, Analytics and the YouTube video player.

Why we process it

We process this data for the purposes described in our policy, including to:

- Help our services deliver more useful, customised content such as more relevant search results;
- Improve the quality of our services and develop new ones:
- Deliver personalised ads, depending on your account settings, both on Google services and on sites and apps that partner with Google;
- Improve security by protecting against fraud and abuse; and
- Conduct analytics and measurement to understand how our services are used. We also have partners that measure how our services are used. Learn more about these specific advertising and measurement partners.

Combining data

We also combine this data among our services and across your devices for these purposes. For example, depending on your account settings, we show you ads based on information about your interests, which we can derive from your use of Search and YouTube; and we use data from trillions of search queries to build spell-correction models that we use across all of our services.

You're in control

Depending on your account settings, some of this data may be associated with your Google Account and we treat this data as personal information. You can control how we collect and use this data now by clicking 'More Options' below. You can always adjust your controls later or withdraw your consent for the future by visiting My Account (myaccount.google.com).

MORE OPTIONS



Don't create the account

Lagree

Note: This image is a recreation of the screen that the ACCC alleges was shown to Users between 30 April 2018 and 19 December 2018, based on information provided by Google Australia Pty Ltd in response to a notice issued under section 155 of the CCA dated 6 August 2019 and generated using screen captures taken by the ACCC.

Item 2 – Setup Location Statements (more options)

S. .. 61% 🗎 0 Don't save my YouTube search history in my Google Account MORE OPTIONS YouTube Watch History Customise your Google experience by confirming your personalisation settings and the data stored Saves what you watch on YouTube to give with your account. you better recommendations in YouTube and other Google services. You can always learn more about these options, adjust them, and review your activity in your Save my YouTube watch history in Google Account (account.google.com). my Google Account Web & App Activity Don't save my YouTube watch Saves your searches, Chrome browsing history in my Google Account history and activity from sites and apps that use Google services. This gives you better search results, suggestions and **Location History** personalisation across Google services. Saves a private map of where you go with your signed-in devices (even when you're Save my Web & App Activity to my not actively using a Google product) to Google Account give you better map searches, commute routes and more. Don't save my Web & App Activity to my Google Account Save my Location History in my Google Account Learn more Don't save my Location History in Ads Personalisation my Google Account Google can show you ads based on your activity on Google services (such as Learn more Search or YouTube), and on websites and apps that partner with Google. **Voice & Audio Activity** Show me personalised ads Saves a recording of your voice and audio input to help Google recognise your voice, Show me ads that aren't and improve speech recognition. personalised Save my Voice & audio activity in Learn more my Google Account 2 YouTube Search History Don't save my Voice & audio activity in my Google Account Saves what you search for on YouTube to make your future searches faster and to Learn more give you better recommendations in YouTube and other Google services. Save my YouTube search history in Send me occasional reminders about these my Google Account

Don't create the account

to your new Google Account.

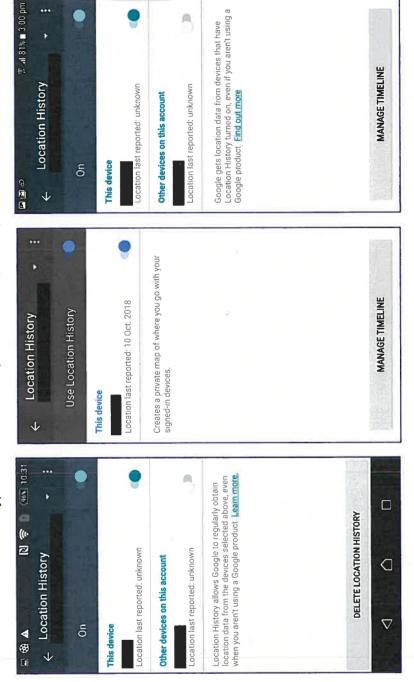
These settings apply wherever you are signed in

settings

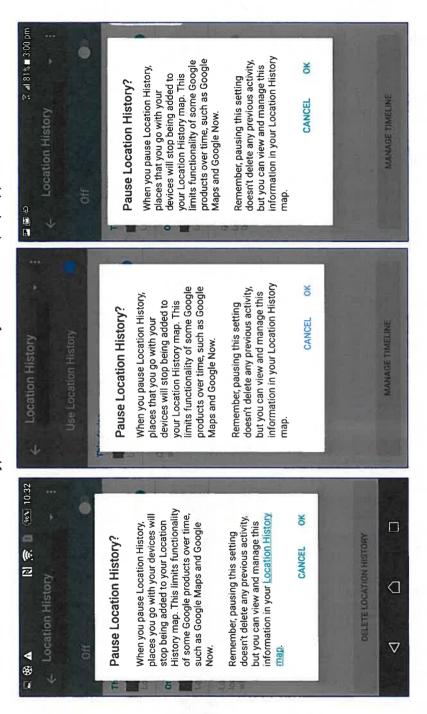
lagree

Note: This image is a recreation of the screen that the ACCC alleges was shown to Users between 30 April 2018 and 19 December 2018 after clicking "More Options" on the screen shown in Item 1, based on information provided by Google Australia Pty Ltd in response to a notice issued under section 155 of the CCA dated 6 August 2019 and generated using screen captures taken by the ACCC.

Item 3 – Type A Location History Statements (Landing Page – setting on)

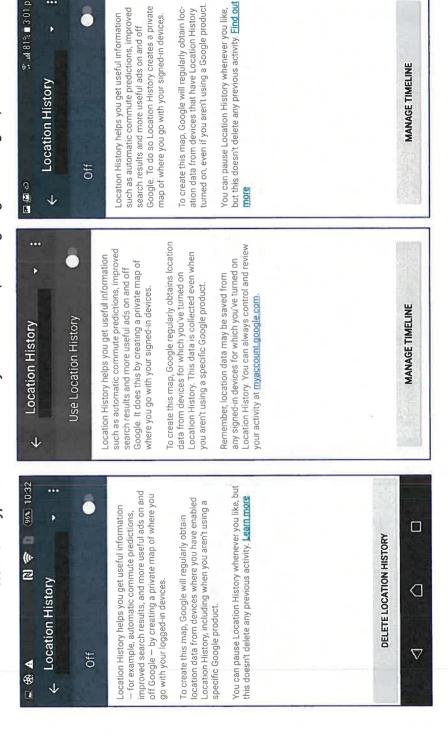


Item 4 – Type A Location History Statements (Pop up)



Item 5 – Type A Location History Statements (Landing Page – setting off)

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Item 6 – Type B Location History Statements (Landing Page)

Saves where you go with your devices to give you personalised maps, recommendations based on places you've visited, and more. **Learn more**

Item 7 – Type B Location History Statements (Pop up)

Pausing Location History may limit or disable personalised experiences across Google services. For example, you may not see recommendations based on places you've visited or helpful tips about your commute.

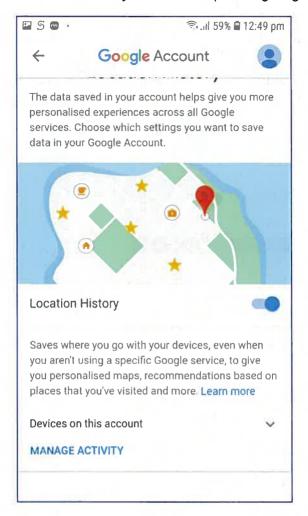
This setting does not affect other location services on your device, like Google Location Services and Find My Device.

Some location data may be saved as part of your activity on other Google services, like Search and Maps.

Pausing this setting doesn't delete any of your past data. You can see or delete your data and more at maps.google.com/timeline.

Learn about the data Google continues to collect and why at **policies.google.com**.

Item 8 – Type C Location History Statements (Landing Page – setting on)



Item 9 – Type C Location History Statements (Pop up)



Pause Location History?

Pausing Location History may limit or disable personalised experiences across Google services. For example, you may not see recommendations based on places that you've visited or helpful tips about your commute.

This setting will be paused on all sites, apps and devices signed in to this account.

This setting does not affect other location services on your device, such as Google Location Services and Find My Device.

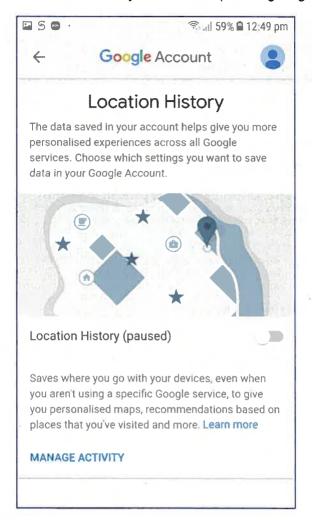
Your location may still be saved in your Google Account when using other Google sites, apps and services. For example, location data may be saved as part of activity on Search and Maps when your Web & app activity setting is on, and included in your photos depending on your camera app settings.

Pausing this setting doesn't delete any of your past data. You can see or delete your data and more at maps.google.com/timeline.

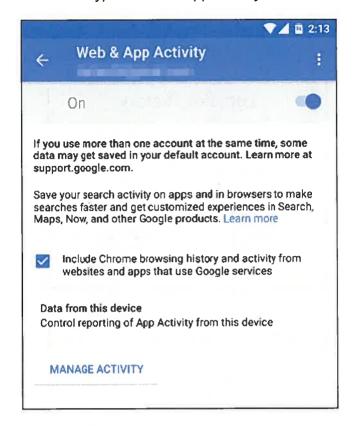
Visit account.google.com to change this and your other Google Account settings, and learn about the data that Google continues to collect and why at policies.google.com.

CANCEL PAUSE

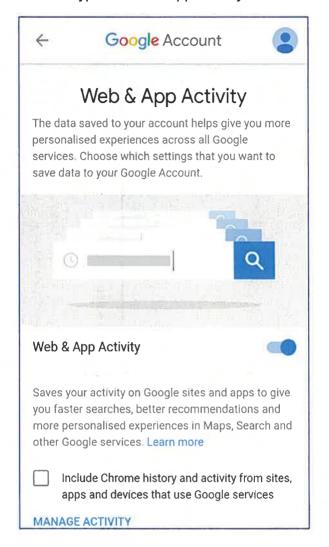
Item 10 - Type C Location History Statements (Landing Page - setting off)



Item 11 - Type 1 Web & App Activity Statements



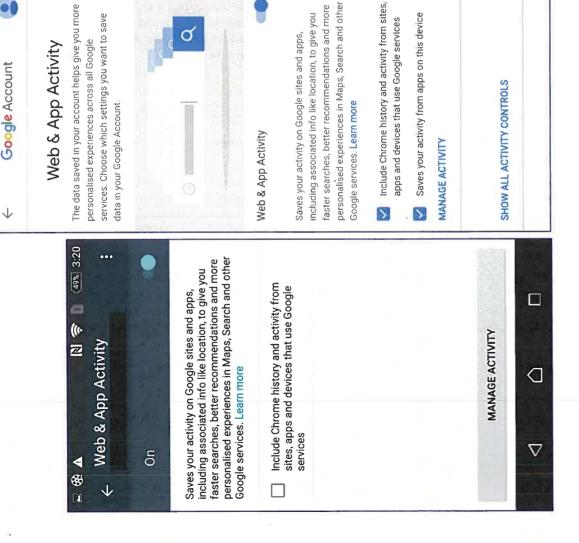
Item 12 - Type 2 Web & App Activity Statements



Item 13 – Type 3 Web & App Activity Statements

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Web & App Activity

associated info like location, to give you faster searches, experiences in Maps, Search and other Google services, Saves your activity on Google sites and apps, including better recommendations and more personalised Learn more

Include Chrome history and activity from sites, apps and devices that use Google services



Saves your activity from apps on this device

MANAGE ACTIVITY

Item 14 – Type 4 Web & App Activity Statements

Saves your activity on Google sites and apps, including searches and associated info like location.