

Oracle Corporation: Responses on Google’s submission on its data advantage

Oracle Corporation (**Oracle**) thanks the Australian Competition & Consumer Commission (**ACCC**) for providing this opportunity to Oracle to make a supplementary submission in relation to the ACCC’s Digital Advertising Services Inquiry. This supplementary submission responds to claims made by Google in its submission to the ACCC’s Interim Report for the Digital Advertising Services Inquiry (which is available here: <https://www.accc.gov.au/system/files/Google%20%28March%202021%29.pdf>).

Google’s submission states the findings the ACCC has made about Google’s “data advantage” in the ACCC’s Interim Report are based on errors. Oracle strongly disputes the claims made by Google. In this supplementary submission Oracle has set out detailed reasoning (backed by supporting evidence) as to why the claims that have been made by Google in its submission are incorrect. This supplementary submission has a “buy-side” (advertiser) focus reflecting the expertise of Oracle. Oracle assumes the ACCC will be able to obtain further information refuting Google’s “sell-side” comments from numerous publishers operating in the Australian market.

Oracle would be very happy to provide any additional information the ACCC may require.

No.	Google comment	Oracle Response
1.	(Paragraph 130) Most of Google’s services do not require users to log-in to their Google account, except where the login is essential to the service – e.g. Gmail. Even if a consumer chooses to log-in to a given Google service, the consumer can still use other Google services on a non-logged-in basis.	<p>This is not relevant to Google’s ability to collect vast amounts of consumer data. Furthermore, even though using Google’s services may not require a user to sign in, Google seeks to ensure as many users as possible are logged in to their Google accounts, particularly when using mobile devices.</p> <p>The first factor that the ACCC considered underpinned Google’s data advantage is that Google has the largest range of over 60 consumer facing services that are widely used by Australians providing Google with large amounts of high-quality data. Google collects this data, which is linked to unique identifiers, irrespective of whether consumers log-in to their Google account (see additional relevant responses below). This means that whether or not a user is logged in to her Google account (or even if it has such an account) makes very little difference to the data that is collected about the user from the use of Google’s services.</p> <p>In addition, Google deliberately designs its services to ensure that, even though it is not necessary for users to be logged in to use some services, they are “nudged” to do this (and finding the settings to log out is increasingly difficult, particularly for mobile devices). For example, Sundar Pichai, Google’s CEO has said as early as 2016:</p> <p><i>We are seeing tremendous shift towards mobile — in many of these products already over 50% of these users are coming from mobile. And in mobile typically all users are signed in. So I think over time as the shift continues, we have a user base which is signed in.</i></p> <p>(Source: https://www.businessinsider.com.au/google-has-more-logged-in-users-on-mobile-2016-4?r=US&IR=T)</p>

		<p>Furthermore, users of Google services who do not log in to their Google account often experience significant functional degradation in Google services. For example, users of Android mobile devices are required to log in (or sign up for) their Google accounts in order to use essential services such as Google Play store. Refusing to log in means users would lose access to Google Play store and its associated Android apps - both essential for the functionalities of the Android device.</p> <p>Even when users are already logged in on Google services, Google has gone further to “nudge” users into logging in with their Google Account specifically. For example, Nest users used to log in using their Nest account. In 2019, Google required new Nest users to log in with Google Accounts only. Google also began “inviting” existing Nest users to transition to log in with their Google account. Users who decline to log in with their Google accounts will not receive certain new features for Nest products.</p> <p>(source: https://9to5google.com/2019/05/16/google-works-with-nest-shutdown-details/; https://9to5google.com/2019/05/07/google-nest-speakers/)</p>
2.	<p>(Paragraph 130) Even if a consumer chooses to log-in to a given Google service, the consumer can still use other Google services on a non-logged-in basis. Barring exceptional circumstances, such as a court order or to combat fraud or abuse, we do not combine logged-out activity with logged-in activity. This enables users to choose to prevent certain (i.e. logged-out) activity being linked with their Google</p>	<p>This is not correct – see response in 4 below. But in any event, as explained below, this is irrelevant to Google’s use of consumer data for ad targeting.</p> <ul style="list-style-type: none"> • It is necessary to characterise the different types of data that Google collects and holds about individuals. First, where a user has a Google account, there is data collected by Google that the user may see in that Google account. Second, there is Google’s collection of data (aka a “super profile”) that Google maintains about a consumer irrespective of whether the consumer has a Google account or not, tied to unique identifiers which are able to be linked to a specific consumer (or their devices). Finally, for consumers with Google accounts, that consumer also has a “shadow profile” which is the data collected by Google about the consumer which the consumer is unable to access in her Google account. See Oracle’s submission to the Digital Platforms Inquiry Preliminary Report at page 5 and both Attachments which shows the types of data that is collected by Google that is not linked to a Google account but is nonetheless used for targeted advertising: https://www.accc.gov.au/system/files/Oracle%20Corporation%20%28March%202019%29.PDF • Google does not need to combine logged-out and logged-in data <i>in a consumer’s Google account</i> (which appears to be what Google means by this comment) to use it for targeted advertising – the data is simply linked to various unique identifiers for the consumer as part of their “super profile.” The collection of data in aggregate, or in pieces can be used to generate audiences for use in targeted advertising. • Google has provided clear evidence that it collects data that would be used for advertising that is not held with a user’s Google account (if she has one) in the first affidavit of Mr David Monsees, Senior Product Manager, Google

	<p>Account, which records only logged-in activity.</p>	<p>LLC, affirmed on 10 October 2020, which was produced and read by Google in the ACCC v Google Australian Federal Court proceedings brought by the ACCC in relation to misleading and deceptive conduct regarding to Google’s location data practices. In that affidavit (emphasis added and noting that Google’s “services” include Android OS) we note the following statements (WAA being Web and App Activity and LH being Location History):</p> <ul style="list-style-type: none"> ○ Paragraph 43: Depending on the device used, the settings of that device, and/or the relevant app settings, the information that is sent to Google when a user interacts with Google’s products and services can include some information about the location of the user’s device, or information from which the location of a user’s device may be inferred (whether or not the user has a Google Account or whether they are using a mobile device, tablet or desktop). ○ Paragraph 46: The WAA setting does not control whether or not Google “obtains” location information from the use of Google products or services. WAA controls whether the user’s activity on Google’s products and services (and any associated location information), is saved to the user’s Google Account. Put simply, WAA controls when Google retains and uses that information with the user’s Google Account; but does not control whether Google obtains the information in the first place. The language of the WAA settings screens in the Screenshot Bundle reflect this in that it speaks in terms of the user’s activity being ‘stored’ or ‘saved’ (for example, pages 59, 63, 78-79, 110-111, 161, 164 of the Screenshot Bundle). ○ Paragraph 51: Unlike WAA, which is concerned with saving information about activities on Google’s products and services undertaken by users while signed in to their Google Account, LH stores location data that is generated by the user’s mobile device ‘in the background’. I describe LH in this way as LH does not depend on how a user’s device is being actively used, including whether they are using a Google product or service. ● Note also the statement from Mr David Monsees in his second affidavit of 20 November 2020 in the same legal proceedings: <ul style="list-style-type: none"> ○ Paragraph 52: As I explained in paragraphs 38, 46 and 51 of my first affidavit: <ul style="list-style-type: none"> (a) the Web & App Activity setting allows Google to save information about a Google Account Holder’s past activity on Google products and services, which is generated only when users use those products and services;
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3.	(Paragraph 131) In any event, our use of first-party data from individual consumers when bidding for or targeting ads on third party display inventory is extremely limited.	<p>This statement is misleading.</p> <p>When taken literally, Google’s qualifier “when bidding for or targeting” is artificially narrow and distracts from the real question: whether Google uses first-party data during the <i>entire ad serving process</i> on third-party display inventory. Google holds a data advantage in prediction, which is a key component of the ad serving process. In ACCC’s Interim Report at paragraph 1.3.2, ACCC points out, “(t)he real-time targeting capability of digital advertising is made possible by the collection of detailed data on consumers’ demographics, interests, preferences and behaviours. This data is collected and analysed by the algorithms used by ad tech providers to help advertisers and publishers predict a consumer’s potential response to an ad and to target their ads accordingly.” When deciding whether to bid and how much to bid for an impression on third party display, demand side platforms (DSPs) model and predict the likelihood of winning in the auction and the likelihood of consumer responses such as ad clicks and purchases. Google DSPs have a data advantage in prediction because Google has access to vast amount of exclusive consumer ad click data and ad auction data in Google Search and YouTube. Therefore, Google’s use of first-party data in third-party display inventory is highly unlikely to be “extremely limited”.</p>
4.	(Paragraph 131) Google Ads and DV360 generally do not use individual consumer data collected through a consumer’s use of Google properties (e.g. Google Search) to advertise to that consumer on third party websites and apps. Third party data is primarily used to target ads on	<p>This statement is inaccurate and uses terms such as "generally" and "primarily" to obfuscate and mislead.</p> <p>The Statement of Agreed Facts for the ACCC’s case against Google alleging misleading and deceptive conduct relating to DoubleClick data combination provides in part:</p> <ul style="list-style-type: none"> • Paragraph 20(b): After 28 June 2016, where agreed by a Google Account user, if the user’s Web & App Activity setting was enabled [<i>the Statement of Agreed Facts states that this collected data about interactions with Google Services</i>], Google was permitted to deliver Account-based Advertising (being advertising using information stored in that user’s Google Account) using Web & App Activity data across: <ul style="list-style-type: none"> (a) Google’s own services (Google Services);

	<p>those third party websites and apps.</p>	<p>(b) Google Partner Websites – being sites that partner with Google to display ads (that is, publishers that acquire from Google display advertising services, that is services that match the criteria of advertisers with the criteria of publishers to display ads that are likely to be of interest to the user viewing the publisher site/app;</p> <p>(c) Google Partner Apps – being mobile device-based apps that partner with Google to display ads.</p> <p><i>In other words, data collected from interactions with Google services has, since 28 June 2016, been used to advertise on third party websites and apps.</i></p> <ul style="list-style-type: none"> • Paragraph 25(c): Information collected about a Google Account user’s activity on third party mobile device-based apps using Google mobile advertising technology was collected by Google using the Google Mobile Ads software development kit for Ad Manager (Google Mobile Ads SDK). From 28 June 2016, if a user agreed, this data was stored in her Google Account and used by Google to deliver Account-based Advertising to that user on Google Partner Apps across the mobile devices on which that Google Account user was signed in to their Google Account. <p><i>In other words, data collected from use of third party apps is merged with other data in Google Accounts and is used, collectively, to deliver targeted advertising on third party apps.</i></p> <ul style="list-style-type: none"> • Paragraph 28(b): After 28 June 2016, information stored because the Supplementary Web & App Activity setting was enabled (which included information collected about a Google Account user’s activity on third party mobile device-based apps using Google Mobile Ads SDK) could be used by Google to serve Account-based Advertising to that user on Google Partner Websites and Google Partner Apps. <p><i>Again, this means that data collected from use of third party apps is merged with other data in a user’s Google Account and is used, collectively, to deliver targeted advertising on third party apps. It is also used for targeted advertising on third party websites.</i></p> <p>See also our response in 2 above. Our view is that the reference by Google to “individual consumer data” is intended to exclude reference to the development of various audiences based on individual consumer data collected by various means. Google’s extensive data stores on individuals (and their devices, accounts, and various identifiers linked to them) are correlated with various advertising identifiers that place individuals in any number of audiences used for ad targeting. While advertisers and publishers may not target a named “individual”, it is also true that Google relies on data about an individual for targeted ads, whether the data is stored in a consumer’s Google Account, or in another Google data repository. Therefore it is assumed that Google seeks to position this information that it is not</p>
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		<p>“individual consumer data”. This type of data, as noted in Oracle’s submission to the Digital Platforms Inquiry Preliminary Report includes:</p> <ul style="list-style-type: none">• Webpage interactions• Ad interactions• Device sensor data• Search results click• Chromecast usage data• Google Docs keywords• Email keywords• Social graph. <p>It includes data from both Google’s services e.g., device sensor data is from Android OS which Google in its privacy policy describes as a Google service (see https://policies.google.com/privacy where services includes “(p)latforms like the Chrome browser and Android operating system”) and from “third party apps and websites”.</p> <p>From an expert report submitted by Google to the ACCC’s Digital Platforms Inquiry (page 43, available here: https://www.accc.gov.au/system/files/Google%20Submission%203%20%28May%202019%29.pdf): <i>User browsing and app activities data: the primary source of data that Google uses for targeting display ads on third-party sites or apps is user interaction with sites or apps collected through tags, pixels, and other signals, and then analyzed and aggregated for targeting purposes using cookies or other identifiers like mobile advertising IDs.</i> This expert report does not involve any suggestion that is similar to the statement that is made by Google i.e., there is no suggestion that this does not include user interaction with Google sites or apps.</p> <p>And a final example comes from the letter dated 12 January 2018 from Susan Molinari of Google LLC to Senators Richard Blumenthal and Edward J. Markey of the US Senate (available here: https://www.blumenthal.senate.gov/imo/media/doc/05.11.2018%20-%20FTC%20-%20Google%20Location%20History.pdf). In that letter Ms Molinari states (on page 5): <i>As we describe in our advertiser help center, Google’s ad products may receive or infer information about a user’s location from a variety of sources. For example, Google may use a user’s IP address to identify their general location; receive precise location</i></p>
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		<p><i>from a mobile device; or infer a user's location from search queries. In addition, websites or apps a user is using may send information about their location to us. Google uses location information in our ads products to infer demographic information, to improve the relevance of the ads users see, to measure ad performance, and to report aggregate statistics to advertisers. The first 3 of these examples refers to location data received from a Google service – either Android OS or Google search. There cannot be any suggestion that Google does not use this data from its services for targeted advertising to the individual that holds the relevant device, across the internet.</i></p> <p>Finally, we consider the sentence: “Third party data is primarily used to target ads on those third party websites and apps.”, if considered literally, has no meaning. Google defines “third party data” as “data collected from users of non-Google websites and mobile apps”. It is not limited to the data collected about those users <i>only from their use of third party websites and apps</i>. Whether an internet user has a Google Account or not, it is difficult to envisage a circumstance where that user would not use non-Google websites and mobile apps. This would mean that, taken literally, all the sentence states is that Google uses data collected from users of non-Google sites or apps (i.e., all data that it has in relation to all of those users) to advertise on third party websites and apps.</p>
5.	<p>(Paragraph 131) The Interim Report states <i>“Users of Google’s DSPs are able to make use of Google Search data by selecting certain audience categories to target via ‘Inmarket Audiences’ and ‘Affinity Audiences’ which advertisers can access and target from Google’s DSPs.”</i> This statement is not correct in relation to targeting ads on third-party websites and apps. Google audience categories work differently as between</p>	<p>This statement is not accurate.</p> <p>This is demonstrated by looking at Google’s descriptions of targeting on both Google’s DSPs (Google Ads and Display & Video 360).</p> <p>For example:</p> <ul style="list-style-type: none"> On the Google Ads Help page headed “About demographic targeting” (available here: https://support.google.com/google-ads/answer/2580383?co=ADWORDS.IsAWNCustomer%3Dfalse&hl=en), the following statements appear: <ul style="list-style-type: none"> <i>For people who aren't signed in to their Google Account, we sometimes estimate their demographic information based on their activity from Google properties or the Display Network. For example, when people browse YouTube or sites on the Display Network, Google may store an identifier in their web browser, using a “cookie.” That browser may be associated with certain demographic categories, based on sites that were visited.</i> <i>Mobile app demographics: This targeting feature uses an advertising <u>identifier</u> linked to a customer's mobile device to remember which apps the person has used. We might associate the identifier with a demographic category based on web browsing and app activities on a mobile device.</i>

	<p>targeting ads on Google’s own products (such as YouTube) and targeting on third-party websites and apps. For example, Google Search data is used to inform Google audience categories for targeting on Google’s products, but it is not used to inform Google audience categories for targeting on third-party websites and apps.</p>	<p><i>Age and gender. Alberta runs a website whose audience is working mothers. On the Search Network, her demographic targeting is the “25–54” age range and “Female” gender. On her Display campaigns, she specifies “Parent” parental status as targeting criteria. A savvy advertiser, Alberta also adds a targeting method of “in-market audience” for baby & children’s products.</i></p> <ul style="list-style-type: none"> • The above makes it very clear that for demographic targeting, Google makes available both data collected from Google’s own sites (including search data) and other data for targeted advertising. There is no statement on this page that the demographic information that Google uses for advertising on non-Google sites or apps is different to the data that is used on Google sites. • To take some other examples: <ul style="list-style-type: none"> (a) On the “Audience list targeting” page for Display & Video 360 (available here: https://support.google.com/displayvideo/answer/2949947?hl=en&ref_topic=2726036#zippy=%2Climitations-of-audience-list-targeting%2Crestricted-categories-and-products%2Climitations-of-audience-summary-information) one of the audience lists that is able to be acquired is “Google audiences”. Under the heading “Limitations of audience list targeting” on the same page there is no reference to the “Google audiences” lists, to the extent these include Google search data, only being available for use on Google’s own websites and apps. (b) On the “Affinity audiences targeting” page for Display & Video 360 (available here: https://support.google.com/displayvideo/answer/6021489?hl=en&ref_topic=2726036) there is similarly no reference to different lists being used for targeting on third-party websites and apps. In particular, there is only one list of “Available affinity audiences in Display & Video 360”. (c) On the “In-market audience targeting” page for Display & Video 360 (available here: https://support.google.com/displayvideo/answer/6213232?hl=en&ref_topic=2726036#zippy=%2C-ret-ee-e-p-e) the following statement is made: <i>In-market audiences allow you to find customers who are researching products or services and actively considering buying something like what you offer as they browse pages across the web.</i> In other words, this is stating the same targeting can occur on any pages across the web. Like applies for Affinity audience targeting there is also only one list of available audiences “In-market audiences available in Display & Video 360”, with no list available for third-party websites and apps. (d) In Google’s documentation on in-market audiences, Google does not distinguish the use of in-market audience to target ads on Google’s own products (e.g., YouTube) and targeting on third-party websites (e.g., Google Display Network publisher and partner sites). “In-market audiences is a way to connect with
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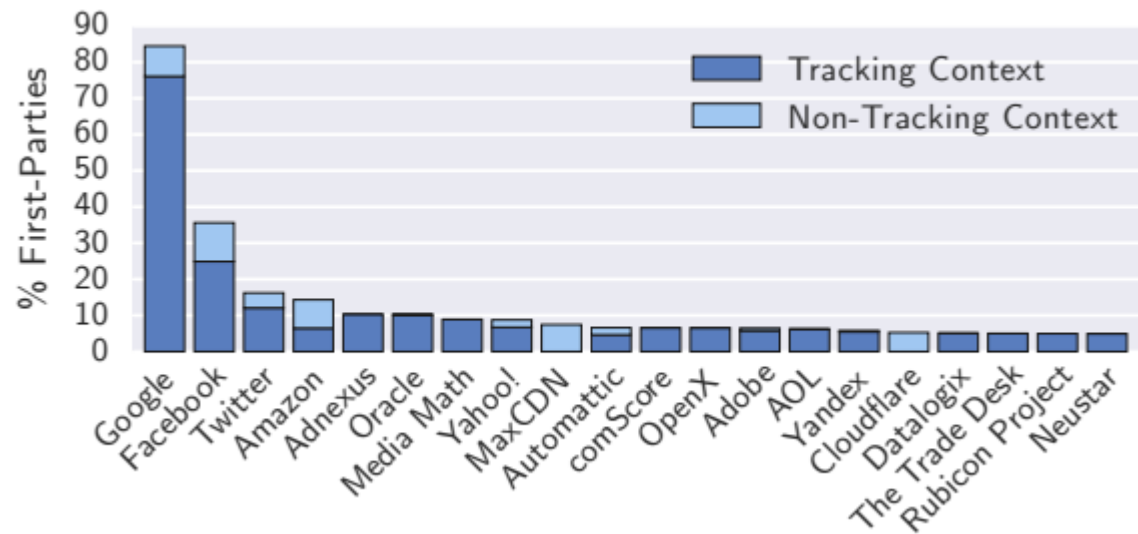
		<p>consumers who are actively researching or comparing products and services across Google Display Network publisher and partner sites and YouTube." (available here: https://www.thinkwithgoogle.com/marketing-strategies/search/in-market-audiences/)</p> <ul style="list-style-type: none"> It is not clear in any event what Google means by referring to "third-party websites and apps". In particular, it is not clear whether this category <i>excludes</i> the Google Display Network. For example, on these page of Google Ads Help: https://support.google.com/google-ads/answer/2404190? and https://support.google.com/google-ads/answer/2404191?hl=en&ref_topic=3121944 it is expressly stated that advertisers may use in-market audiences such as "people that are likely to be in the market for a particular product" (i.e., people who have undertaken searches for a particular product) to target ads on the Google Display Network. Google states the Google Display Network reaches over 90% of global internet users across 2 million sites. If "Google's products" includes the Google Display Network, the fact that Google does not use Google search data for ad targeting outside these 2 million websites and apps does not support an argument that Google does not have a data advantage. <p>Furthermore, it is also not clear what Google means by referring to "Google's products". It is unclear whether "Google's products" refer to Google's owned and operated properties only (e.g., Search, YouTube), or include other digital properties accessed via Google products such as Chrome, Android, and Google's publisher tools (Google's publisher ad server and ad exchange). If the term "Google's products" includes these other products, then the scale and reach of "Google products" far exceed those of "third-party websites and apps." Google indeed has a data advantage.</p>
6.	<p>(Paragraph 134) In relation to Google Analytics data:</p> <ul style="list-style-type: none"> Google does not own the Google Analytics data collected on Google Analytics customers' websites – the customers own that data; 	<p>Although these statements may technically be accurate because of the obtuse way Google defines different concepts, and because Google's concepts of choice are in reality illusory, these statements by Google do not support a conclusion that Google does not have (and takes steps to maintain) a data advantage.</p> <p>In response to each of these points:</p> <ul style="list-style-type: none"> That Google does not own data collected from a website that uses Google Analytics does not mean that Google does not use that data. Therefore the statement that Google does not own that data is irrelevant to the question of whether Google has a data advantage. The Google Analytics Terms of Service state: <i>"You will not and will not assist or permit any third party to, pass information to Google that Google could use or recognise as personally identifiable information."</i> "Personally identifiable information" is not a defined term in the Terms of Service. It is however defined in a separate policy available here: <u>"Understanding PII in Google's contracts and policies"</u>. In the policy, Google states that it

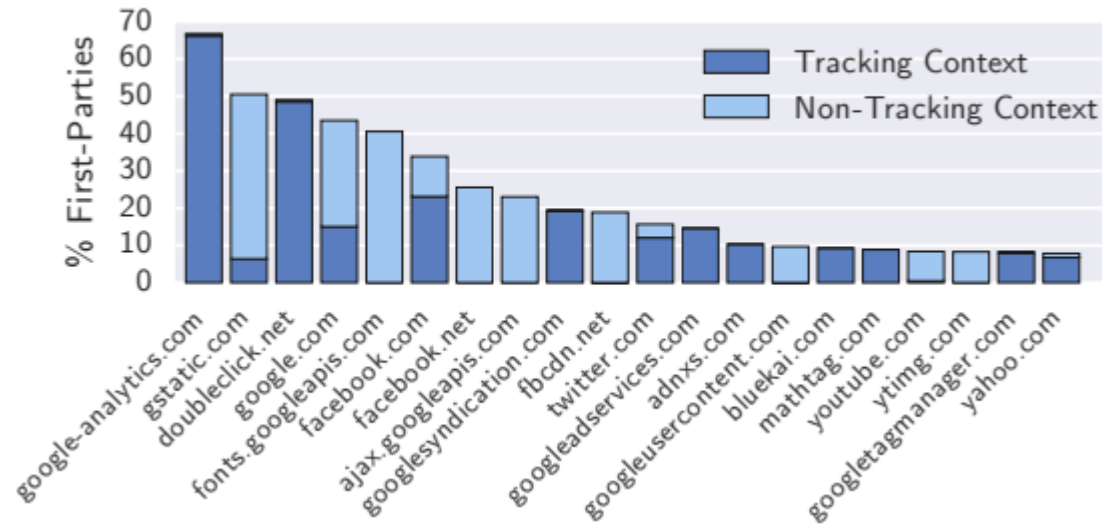
<ul style="list-style-type: none"> • The Google Analytics Terms of Service do not allow customers to send personally identifiable data to Google when using that service; • Google Analytics customers can choose to share their data with Google to improve Google’s products etc; and • Google Analytics data is not used by Google except as directed by the customer, as necessary to maintain and protect the Google Analytics service or as required by law. 	<p>interprets personally identifiable information to mean (emphasis added) “information that could be used <i>on its own</i> to <i>directly</i> identify, contact or precisely locate an individual.” Google gives examples of PII such as email addresses and full names. The policy expressly states that pseudonymous cookie IDs and advertising IDs, IP addresses and other pseudonymous end user identifiers are NOT personally identifiable information.</p> <p>Accordingly, for the reasons outlined in earlier comments, the fact that Google does not collect “personally identifiable information” does not prevent Google from collecting data that is linked to a browser or a user or other form of ID, but not to a named individual, and using that information for targeted advertising. This is the basis of Google’s data advantage.</p> <ul style="list-style-type: none"> • No information is provided by Google as to the percentage of customers who choose to share their data with Google for targeted advertising purposes. For example, where “Google Analytics Advertising Features” are used, Google advertising cookies are collected and used to enable features like remarketing on the Google Display Network (see for example here: https://support.google.com/analytics/answer/2700409?hl=en&ref_topic=2919631). This would be an example of a customer “choosing” to share their data with Google for targeted advertising purposes. To take another example, as stated on Google’s “Safeguarding your data” page: <i>Customers may also choose to use the data collected by Google Analytics for site/app personalization or advertising purposes, including ads personalization (See Advertising Personalization below).</i> In other words, in such cases the data collected would be used for targeted ads. No information has been provided by Google as to how many customers share data with Google for these purposes but it would be reasonable to assume that most if not all users of Google Analytics would do this. Accordingly, comments about customers “choosing” to share their data or Google only using data as directed by a customer do not support a conclusion that data is not collected and used by Google for targeted advertising. • Furthermore, Google’s response conveniently focused on one type of Google third-party script only – the Google Analytics script. Google failed to account for all other Google third-party scripts likely included in ACCC’s underlying analysis. Google’s data advantage in having the widest network of trackers on third-party websites and apps in Australia is not a result of Google Analytics scripts alone. • Englehardt and Narayanan (2016) measured the presence of trackers in the Alexa top 1 million sites in January 2016 and found that Google’s third-party trackers are present in approximately 85% of websites (screenshots below). These Google tracking scripts not only include the google-analytics.com domain, but also many other Google-owned domains such as doubleclick.net, google.com, googlesyndication.com, googleadservices.com,
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googletagmanager.com. Google failed to respond how Google collects and uses data from these other tracking scripts.

- Google omitted the fact that data collected by these tracking scripts on third-party websites and apps, along with data collected by Google SDKs and advertising products (e.g., AdSense, AdMob, Google Ad Manager) on third-party websites and apps are collectively used to derive insights about users to personalize ads (subject to users' choice of whether to activate personalized ads).

Source: Englehardt, S., & Narayanan, A. (2016, October). Online tracking: A 1-million-site measurement and analysis. In Proceedings of the 2016 ACM SIGSAC conference on computer and communications security (pp. 1388-1401). Available here: <https://webtransparency.cs.princeton.edu/webcensus/>





7.

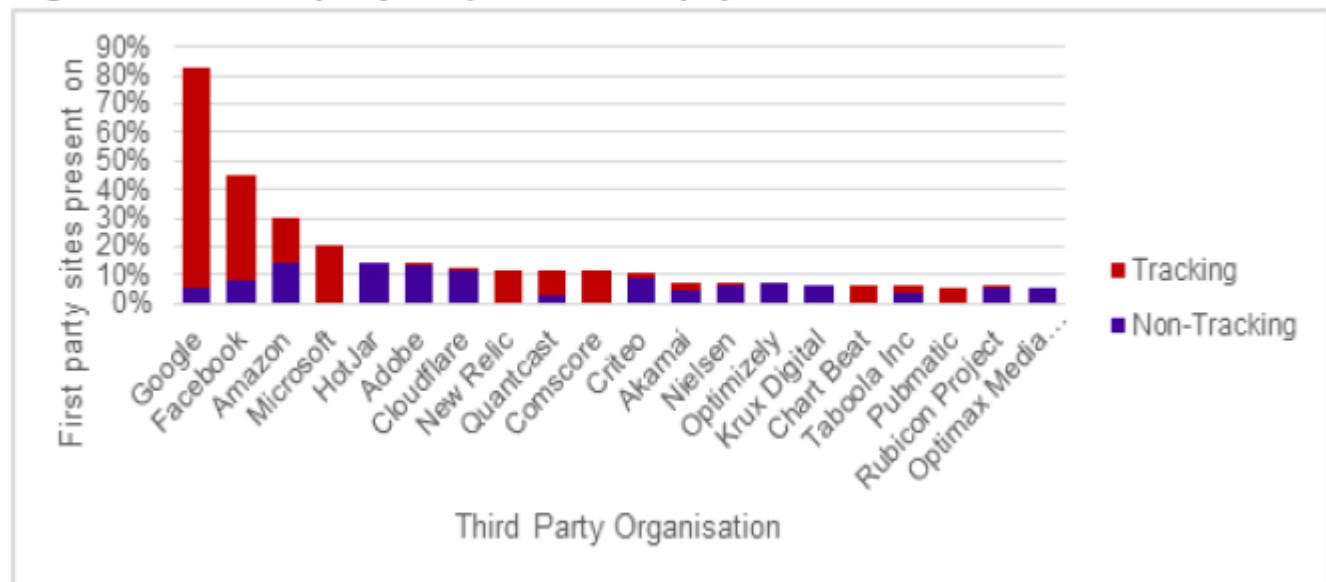
(Paragraph 135)
 Publishers control what trackers they use on their website/app. They can choose to use multiple trackers from multiple ad tech providers.
 Publishers multi-home so we would expect each website or app to provide third-party consumer data to multiple third-parties. That is, where we have a tracker on a third-party website or app, one or more other ad tech

These statements may technically be accurate but are misleading.

The distribution of third-party tracking scripts on the top 1000 websites sampled in ACCC’s analysis (screenshot below) proves publishers do not *truly* multi-home on third-party tracking scripts. Google’s third-party scripts were found on over 80% of sampled websites. The next most prevalent tracker, Facebook, is present on merely 40% of sampled websites, followed by a long tail distribution of various trackers. Publishers may appear to “multi-home,” but nearly always have Google trackers present on their sites plus a select few other trackers.

providers may also have a tracker collecting the same or similar information.

Figure 4.2: Third party scripts found on popular Australian websites



Source: ACCC analysis.

8.

(Paragraph 138) Once third party cookies are phased out, Google will not build alternate identifiers to track individuals as they browse across the web nor will they use them in their products.

This is irrelevant to the question of Google’s data advantage.

Google does not need to build alternative identifiers to track individuals as they browse across the web or use such alternative trackers – because it considers all of its existing trackers to be “first party” trackers. For example, Android will still collect precise geolocation and app usage data. In addition, Google’s own first party analytic and advertising cookies will continue to collect data.

In fact, Google’s alternative proposed arrangements demonstrate Google’s data advantage. When third party cookies are “phased out”, in other words, when Google bans them from the Chrome browser, Google’s proposal is that access to user data on the Chrome browser would be through the use of Google’s own closed APIs, which would provide behavioural and interest tracking as well as attribution and frequency capping. The proposed changes to Chrome would cement Google as a key gatekeeper for adtech data by concentrating control over this data with Google. Google's proposed Chrome changes would therefore be yet another means through which Google is able to strengthen its increasing grip on the adtech services market through its data advantage.

		<p>For a more detailed analysis of the “phase out” of third party cookies, see here: https://www.oracle.com/news/announcement/blog/google-privacy-sandbox-030721.html</p> <p>Many industry participants and trade groups publicly disputed Privacy Sandbox’s supposed benefits. Browser makers Mozilla, Brave, Vivaldi, and browser extension DuckDuckGo all decided to not implement Google’s FLoC – a part of Privacy Sandbox. Brave says FLoC “harms privacy directly and by design” because it “tells sites about your browsing history in a new way that browsers categorically do not today.” See: https://digiday.com/media/browser-makers-now-including-mozillas-firefox-are-already-ditching-googles-proposed-cookieless-ad-targeting-method-floc/</p>
9.	(Paragraph 140) In relation to Google’s DoubleClick IDs, other than a narrow use case where some users have permitted Google to use their YouTube watch history to help personalise the ads for that user, we do not use the DoubleClick ID to track consumers’ use of our consumer-facing services or from our consumer-facing services to third-party sites that use our ad tech services (as the ACCC has stated).	<p>The ACCC in fact stated: <i>Google has access to a range of unique identifiers that it can use to identify and link a user across different devices and browsing sessions, including exclusive access to its DoubleClick IDs. This gives Google the ability to track users across its different consumer-facing services and along the ad tech supply chain.</i></p> <p>The DoubleClick ID is different to the DoubleClick cookie – i.e., the cookie tracks the consumer and the ID simply holds the data. We assume this quote from Google’s submission is referring to DoubleClick cookies, not IDs.</p> <p>DoubleClick cookies track what consumers do on any webpage that serves Google ads, uses Google Analytics or contains embedded Google services. Google then associates the information collected with personal information in users’ Google profiles including email metadata, signed-in search and YouTube viewing history, location data from their Android phones or other mobile devices signed in to Google services, and the contents of files stored on Google’s servers. The result is a ‘super-profile’ that grants Google unparalleled insight into users’ interests and habits. This is in fact the complaint in the ACCC’s current misleading and deceptive conduct case against Google in relation to its changes to its personal information collection practices in 2016.</p> <p>Contrary to Google’s statement, DoubleClick tracking cookies are currently present on some of Google’s consumer-facing services, including youtube.com and play.google.com/store (both accessed without logging into any Google Account).</p> <p>Again therefore this statement does not support a conclusion that Google does not have a data advantage.</p> <p>Furthermore, ACCC stated Google accomplishes the tracking of “users across its different consumer-facing services and along the ad tech supply chain” via a range of unique identifiers not limited to the DoubleClick ID. Google’s response failed to address data advantage derived from other identifiers.</p>
10.	(Paragraph 140) We keep Google user ID data	<p>Google states that Google “keeps Google user ID data separate from pseudonymous data IDs.” However, Google admits to linking the two ID data sets for certain use cases such as ad fraud detection. The ability to link data across</p>

	<p>separate from pseudonymous data IDs set in our advertising cookies (e.g. DoubleClick IDs), except in rare cases – e.g. to protect against ad fraud</p>	<p>these two ID data is precisely one of Google’s data advantages. Google’s statement on “keeping” the two “separate” is irrelevant in light of Google’s admission of its ability to link the two.</p> <p>Even if the Google user ID data and pseudonymous data IDs are never linked, pseudonymous data alone is potentially capable of uniquely identifying a user without linking to non-pseudonymous data (e.g., device fingerprinting techniques). This does not limit the extent of Google’s data advantage. Again, we refer to Oracle’s submissions to the Digital Platforms Inquiry Preliminary Report (as referred to previously).</p>
11.	<p>(Paragraph 140) This is not an advantage unique to Google. Vertically integrated ad tech providers can use their unique identifiers to match a user across both sides of the ad tech supply chain and will have a 100% cookie match rate on their own platforms.</p>	<p>This is not relevant to the question of Google’s data advantage.</p>
12.	<p>(Paragraph 140) All DSPs (including Google DSPs) need to engage in cookie syncing when bidding on third party SSPs. Our access to DoubleClick IDs does not enable us to avoid doing this or make us more successful at doing this.</p>	<p>This is not relevant to the question of Google’s data advantage.</p> <p>However, it should be noted that Google DSPs would bid on non-Google SSPs only under limited circumstances: Google Ads preferentially channels its demand to Google’s own SSP; Google’s SSP holds a 50-60% share of revenue. This contrasts with other DSPs, which are required to undertake the cookie syncing process with third-party SSPs on a significantly more regular basis.</p> <p>Google’s unique access to un-hashed DoubleClick IDs is a significant source of advantage in cookie syncing. According to the US Texas Attorney General complaint against Google, “Google hashes or encrypts the DoubleClick ID differently for each publisher using Google’s ad server (e.g., John Connor = user QWERT12345), as well as for each advertiser bidding through Google’s ad buying tools (e.g., John Connor = user YUIOP67890). This change interfered with publishers’ ability to share consistent user IDs with non-Google exchanges and networks. As a result, publishers, along with their advertisers, exchanges, and networks, could not easily know that two different user IDs actually belonged to the same user. While Google blocked publishers from accessing and sharing these user IDs with non-Google</p>

		<p>exchanges and networks, Google shared the same raw IDs with Google’s own network and exchange, as well as with Google’s own ad buying tools (DV360 and Google Ads).”</p> <p>A rival vertically integrated ad tech provider (offering DSP, SSP, and publisher ad server) may replicate this data advantage in theory. However, Google’s dominance in publisher ad server (90-100% share of impressions) means the rival is unable to achieve nearly the same level of success as Google.</p>
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Oracle Corporation

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