

Has AT&T actually stopped selling your location data? We could find out in 2020

January 2 2020, by Dom Difurio, The Dallas Morning News

A digital rights nonprofit is pressuring a U.S. district court to force AT&T to turn over evidence that it no longer sells customers' location data collected by mobile phones to third party aggregators.

The nonprofit, known as the Electronic Frontier Foundation, has been fighting AT&T in court for months, attempting to get an order preventing AT&T from the "systemic, and unauthorized sale of its wireless phone customers' sensitive location data," according to court documents.

The foundation, founded in 1990 as an activist organization dedicated to privacy, [free speech](#) and innovation in the digital era, represents several AT&T customers residing in California in the class-action suit playing out in the state's Northern District Court.

The customers sued, alleging that AT&T's practices were "an egregious and dangerous breach of Plaintiffs' and all AT&T customers' privacy, as well as a violation of state and federal law."

Telecom companies like AT&T are in a unique position because the data they can collect is sprawling, powerful and highly coveted by many industries. Data that illustrates human habits in great detail is attractive to marketing and advertising companies—but also to bounty hunters, prisons, bail bondsmen, law enforcement officers and people who could pose real danger to customers.

In its lawsuit, the foundation argues that AT&T "quietly sold its customers' real-time location data to third-party aggregators knowing that once sold, that sensitive location data would later enter the marketplace where it could be used for nefarious purposes."

In response, AT&T told the court that it stopped selling users' location data to third parties in March 2019 and asked for the lawsuit to be thrown out, submitting its communication with the FCC as evidence it stopped the practice.

"We only share location data with customer consent and voluntarily stopped sharing it with aggregators months before this lawsuit was filed," AT&T said in a statement, adding that it would continue sharing location data with services like roadside assistance, fraud protection and medical device alerts that have "clear and even life-saving benefits."

The foundation, in recent motions seeking additional evidence from AT&T, said the company has a history of "misrepresentations and omissions" in statements to the public and members of Congress about whether AT&T stopped disclosing customer location data.

AT&T announced in June 2018 that it would be "phasing out" its sale of users' location data to aggregation firms after *New York Times* reporting revealed sensitive location data was finding its way from aggregators to parties that were not obtaining customers' consent to be tracked. The company claims it expedited its phase out in January, according to a letter sent to the FCC that was submitted in court.

Online tech publication Motherboard reported that phone providers were still allowing third parties access to precise real-time data as recently as February 2019.

That location data, called "assisted GPS," combines GPS data with cell

tower data, WiFi and Bluetooth to reveal customers' locations down to the room they're in within a building. It's typically reserved for use by emergency personnel.

Motherboard paid a bounty hunter \$300 to geolocate a T-Mobile phone with data that originated from telecom companies. The bounty hunter was accurate down to the block.

The foundation wants a California judge to require AT&T to prove that it stopped selling users' location data, as well as a list of who bought the data from the company. The nonprofit is also seeking internal and external documents from AT&T that show how it described its actions when it came under scrutiny for selling location data. The next hearing in the case is scheduled for the end of February.

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