

New Mexico sues Google over collection of children's data

February 20 2020, by Susan Montoya Bryan



In this Sept. 24, 2019, file photo, a woman walks below a Google sign on the campus in Mountain View, Calif. New Mexico is suing Google over allegations that the tech company is illegally collecting personal data generated by children in violation of federal and state laws. The state attorney general's office filed a lawsuit Thursday, Feb. 20, 2020, in U.S. District Court claiming that Google is using its education suite that is marketed to school districts, teachers and parents as a way to spy on children and their families. (AP Photo/Jeff Chiu, File)

New Mexico's attorney general sued Google Thursday over allegations the tech company is illegally collecting personal data generated by children in violation of federal and state laws.

The lawsuit filed in U.S. District Court in Albuquerque claims Google is using its education services package that is marketed to school districts, teachers and parents as a way to spy on children and their families.

Attorney General Hector Balderas said that while the company touts Google Education as a valuable tool for resource-deprived schools, it is a means to monitor children while they browse the internet in the classroom and at home on private networks. He said the information being mined includes everything from physical locations to websites visited, videos watched, saved passwords and contact lists.

The state is seeking unspecified civil penalties.

"Student safety should be the number one priority of any company providing services to our children, particularly in schools," Balderas said in a statement. "Tracking student data without parental consent is not only illegal, it is dangerous."

Google dismissed the claims as "factually wrong," saying the G Suite for Education package allows schools to control account access and requires that schools obtain parental consent when necessary.

"We do not use personal information from users in primary and secondary schools to target ads," said company spokesman Jose Castaneda. "School districts can decide how best to use Google for education in their classrooms and we are committed to partnering with them."

Unlike Europe, the U.S. has no overarching national law governing data

collection and privacy. Instead, it has a patchwork of state and federal laws that protect specific types of data, such as consumer health, financial information and the personal data generated by younger children.

New Mexico's claim cites violations of the state's Unfair Practices Act and the federal Children's Online Privacy Protection Act, which requires websites and online services to obtain parental consent before collecting any information from children under 13. In a separate case, Google already has agreed to pay \$170 million combined to the Federal Trade Commission and New York state to settle allegations its YouTube video service collected personal data on children without their parents' consent.

According to the New Mexico lawsuit, outside its Google Education platform, the company prohibits children in the U.S. under the age of 13 from having their own Google accounts. The state contends Google is attempting to get around this by using its education services to "secretly gain access to troves of information" about New Mexico children.

The attorney general's office filed a similar lawsuit against Google and other tech companies in 2018, targeting what Balderas described as illegal data collection from child-directed mobile apps. That case still is pending in federal court, but the companies have denied wrongdoing.

The latest lawsuit claims more than 80 million teachers and students use Google's education platform. Balderas said in a letter to New Mexico school officials that there was no immediate harm if they continue using the products and that the lawsuit shouldn't interrupt activities in the classroom.

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Citation: New Mexico sues Google over collection of children's data (2020, February 20)
retrieved 19 April 2024 from
<https://techxplore.com/news/2020-02-mexico-sues-google-children.html>

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