

United States Senate
WASHINGTON, DC 20510

September 24, 2024

Mr. Sundar Pichai
CEO
Google LLC
1600 Amphitheatre Pkwy
Mountain View, CA 94043

Dear Mr. Pichai,

I write today with concerns following recent reporting by the *New York Post* that Cox Media Group has admitted to investors that it deploys “active listening” software, which uses artificial intelligence to “capture real-time intent data by listening to [users] phone conversations.”¹

The reporting claims that Google is a client of Cox Media Group. A Google spokesperson told the *New York Post*, “All advertisers must comply with all applicable laws and regulations as well as our Google Ads policies, and when we identify ads or advertisers that violate these policies, we will take appropriate action.” This statement does not do enough to reassure consumers as Google itself has a history of ignoring consumer privacy. Last year, Google settled a \$5 billion lawsuit claiming it “secretly tracked the internet use of millions of people who thought they were doing their browsing privately.”² This is not the first time Google has seen legal action for violating consumers’ privacy rights.

A search engine with the reach of Google must prioritize the privacy of its users and use diligence when handling their data. If the reporting is true, it is clear that those are not priorities of Cox Media Group with which Google has affiliated itself with.

I am seeking answers regarding Google’s relationship with Cox Media Group, the extent to which, if at all, “active listening” tools were deployed on users, the steps Google is taking to investigate the products and services from Cox Media Group used by Google and the extent to which those products may have violated any applicable privacy policies or user agreements. I request a response to the following questions by October 8, 2024:

1. Did Google know that Cox Media Group was deploying “active listening” software before the New York Post reporting on September 3, 2024?
2. Were “active listening” tools deployed to users of Google products or services?
 - a. If yes, how many users did Google expose to these tools?

¹ Ariel Zibler, *Marketing firm admits using your own phone to listen in on your conversations*, *New York Post* (September 6, 2024), <https://nypost.com/2024/09/03/business/marketing-firm-spies-on-you-through-your-phones-microphone-report/>.

² Johnathan Stempel, *Google settles \$5 billion consumer privacy lawsuit*, *Reuters* (September 6, 2024), [https://www.reuters.com/legal/google-settles-5-billion-consumer-privacy-lawsuit-2023-12-28/#:~:text=Google%20settles%20\\$5%20billion%20consumer%20privacy%20lawsuit%20%7C%20Reuters.](https://www.reuters.com/legal/google-settles-5-billion-consumer-privacy-lawsuit-2023-12-28/#:~:text=Google%20settles%20$5%20billion%20consumer%20privacy%20lawsuit%20%7C%20Reuters.)

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- b. Were users notified that they would be subjected to active listening tools, including how their data would be collected and used? If no, why not?
 - c. Were users given an opportunity to opt out of the active listening tools? If no, why not?
 - d. How is the data collected through active listening software used and shared?
3. As a part of your services, do you deploy more generally software that listens to and/or collects data from the phone conversations of users (i.e., other than the active listening software reported in the New York Post article)?
 - a. Do you notify consumers of this practice? If no, why not?
 - b. Can consumers opt in or out of this feature? If no, why not?
 - c. To how many of your clients do you provide this type of software?
 - d. How is the data you collect through this type of software used and shared?
4. Explain the products and services that Google purchases from Cox Media Group.
5. What steps is Google taking to ensure outside entities that perform services for Google are compliant with applicable privacy policies and user agreements?
6. Does Google plan to end its contracts and agreements with Cox Media Group? If not, what protections will Google and Cox implement to ensure consumers' personal data is not compromised?

Thank you for your attention to this important issue.

Sincerely,



Marsha Blackburn
United States Senator