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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

H.K. and J.C., through their father and legal
guardian CLINTON FARWELL, individually
and on behalf of all others similarly situated,

Plaintiffs,

v.

GOOGLE, LLC,

Defendant.

Case No.

CLASS ACTION COMPLAINT

JURY TRIAL DEMANDED

1 On behalf of themselves and all others similarly situated, Plaintiffs H.K. and J.C., minor
2 children, by and through their father and legal guardian Clinton Farwell (collectively, “Plaintiffs”),
3 bring this Class Action Complaint against Google LLC (“Google”) for violation of Illinois’
4 Biometric Information Privacy Act (“BIPA”), 740 ILCS 14/1, *et seq.*, and violation of California’s
5 Unfair Competition Law (“UCL”), Cal. Bus. & Prof. Code §17200, predicated on violation of the
6 federal Children’s Online Privacy Protection Act (“COPPA”), 15 U.S.C. § 501, *et seq.*, and allege
7 as follows based on personal knowledge as to themselves, on the investigation of their counsel and
8 the advice and consultation of certain third-party agents as to technical matters, and on information
9 and belief as to other matters, and demand trial by jury.

10 NATURE OF THE ACTION

11 1. Plaintiffs bring this action for damages and other legal and equitable remedies
12 resulting from the illegal actions of Google in collecting, storing, and using their and other
13 similarly situated childrens’ biometric identifiers¹ and biometric information² (referred to
14 collectively as “biometrics”), as well as numerous other forms of personally identifying
15 information, without their requisite consent of their legal guardians – in direct violation of both
16 BIPA and COPPA.

17 2. In 1999, to better protect the privacy of children under the age of 13, the United
18 States Congress enacted COPPA in response to a growing concern over the collection of children’s
19 data on the Internet. In passing COPPA, Congress specifically sought to increase parental
20 involvement in children’s online activities, ensure children’s safety during their participation in
21 online activities, and most importantly, protect children’s personal information. Ultimately,
22 Congress enacted COPPA with the specific goal of placing parents in control over what
23 information is collected from their young children online. To that end, COPPA requires, in
24 relevant part, that websites and online services fully and clearly disclose their data collection, use,
25 and disclosure practices, and obtain “verifiable parental consent” before collecting, using, or

26 ¹ A “biometric identifier” is any personal feature that is unique to an individual, including
27 fingerprints, iris scans, DNA and “face geometry,” among others.

28 ² “Biometric information” is any information captured, converted, stored, or shared based on
a person’s biometric identifier used to identify an individual.

1 disclosing personal information from children under 13. Further, COPPA requires websites and
2 online services to permit parents to review all personal information they collect and maintain from
3 children under 13, and to allow parents to refuse further use or maintenance of those data.

4 Similarly, websites and online services may not condition a child's use of a site or service on the
5 collection of more personal information than is reasonably necessary, and must take reasonable
6 steps to keep confidential and safe any personal information in their possession.

7 3. More recently, in 2008, the Illinois Legislature recognized the importance of
8 protecting the privacy of individuals' biometric data, finding that "[b]iometrics are unlike other
9 unique identifiers that are used to access finances or other sensitive information." 740 ILCS
10 14/5(c). "For example, social security numbers, when compromised, can be changed. Biometrics,
11 however, are biologically unique to the individual; therefore, once compromised, the individual has
12 no recourse, is at heightened risk for identity theft, and is likely to withdraw from biometric-
13 facilitated transactions." *Id.*

14 4. In recognition of these concerns over the security of individuals' biometrics, the
15 Illinois Legislature enacted BIPA, which provides, *inter alia*, that a private entity like Google may
16 not obtain and/or possess an individual's biometrics unless it: (1) informs that person in writing
17 that biometric identifiers or information will be collected or stored, *see id.*; (2) informs that person
18 in writing of the specific purpose and length of term for which such biometric identifiers or
19 biometric information is being collected, stored, and used, *see id.*; (3) receives a written release
20 from the person for the collection of her biometric identifiers or information, *see id.*; and (4)
21 publishes publicly available written retention schedules and guidelines for permanently destroying
22 biometric identifiers and biometric information, 740 ILCS 14/15(a).

23 5. Incredibly, Google has managed to violate both of these important consumer
24 protection statutes (COPPA and BIPA) at the same time, by collecting, storing, and using the
25 personally identifying biometric data of millions of school children throughout the country
26 (including thousands in Illinois), most of whom are under the age of 13, without seeking, much less
27 obtaining the requisite informed written consent from any of their parents or other legal guardians.
28

1 6. Google has infiltrated the primary and secondary school system in this country by
2 providing access to its “ChromeBook” laptops, which come pre-installed with its “G Suite for
3 Education” platform (formerly referred to as Google Apps for Education), to over half of the
4 nation’s school children, including those in Illinois, most of whom are under the age of 13. When
5 these children use Google’s “G Suite for Education” platform on the company’s ChromeBook
6 laptops at school, Google creates, collects, stores and uses their “face templates” (or “scans of face
7 geometry”) and “voiceprints” – highly sensitive and immutable biometric data – as well as various
8 other forms of personally identifying information pertaining to these children, including:

- 9 a. their physical locations;
- 10 b. the websites they visit;
- 11 c. every search term they use in Google’s search engine (and the results they
12 click on);
- 13 d. the videos they watch on YouTube;
- 14 e. personal contact lists;
- 15 f. voice recordings;
- 16 g. saved passwords; and
- 17 h. other behavioral information

18 7. Each voiceprint and face template that Google extracts from a child and catalogues
19 in its vast biometrics database is unique to that child, in the same way that a fingerprint uniquely
20 identifies one and only one person. Google supplements this biometric data with other personally
21 identifying information pertaining to each child, including the child’s e-mail address and name.

22 8. Thus, in direct violation of both BIPA and COPPA, Google has collected, stored,
23 and used (and continues to collect, store, and use) – without providing notice, obtaining informed
24 or verifiable parental consent, or publishing data retention policies – the biometrics and other
25 personally identifying information of millions of school children under the age of 13 across the
26 country, including tens of thousands of young children in Illinois.

27 9. Plaintiffs, individually and on behalf of other similarly situated children, by and
28 through their father and legal guardian Clinton Farwell, bring this action to stop Google from

1 further violating the BIPA-protected privacy rights of children in Illinois and the COPPA-protected
2 privacy rights of children under 13 all across the country in connection with their use of the “G
3 Suite for Education” platform, and to recover statutory damages for Google’s unauthorized
4 collection, storage, and use of Illinois students’ biometric data in violation of BIPA.

5 **PARTIES**

6 10. Plaintiffs H.K. and J.C., and their father and natural legal guardian, Clinton Farwell
7 are, and at all relevant times have been, citizens of the State of Illinois residing in Bushnell,
8 Illinois. Plaintiffs H.K. and J.C. were under the age of 13 when they used Google’s “G Suite for
9 Education” platform at their elementary school in Bushnell, Illinois, which is within Prairie City
10 Community Unit School District #170, and they are still under the age of 13 today. Neither
11 Plaintiff H.K. nor Plaintiff J.C. was asked for verifiable or written parental consent authorizing
12 Google extraction, collection, storage, and use of their personally and uniquely identifying
13 “biometric identifiers” or “biometric information,” nor was Plaintiffs’ father, Clinton Farwell,
14 notified of or asked to provide his written authorization to permit Google’s collection, storage, or
15 use of such data.

16 11. Google, LLC is a Delaware corporation with its headquarters at 1600 Amphitheatre
17 Parkway, Mountain View, California 94043. Google is also registered to do business in Illinois
18 (No. 65161605).

19 **JURISDICTION AND VENUE**

20 12. The Court has original subject-matter jurisdiction over this action pursuant to the
21 Class Action Fairness Act, 28 U.S.C. § 1332(d) (“CAFA”), because: (i) the proposed BIPA Class
22 consists of at least tens of thousands of members; (ii) at least one member of the proposed BIPA
23 Class, including both of the Plaintiffs as well as their father, is a citizen of a state different from
24 Google; and (iii) the aggregate amount in controversy exceeds \$5,000,000.00, exclusive of interests
25 and costs. Google has extracted, collected, stored, and used thousands of minor school childrens’
26 voiceprints and scans of face geometry in connection with their use of Google’s “G Suite for
27 Education” platform on the company’s “ChromeBook” laptops at primary and secondary schools in
28 Illinois. The estimated number of children who have been impacted by Google’s conduct in

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