



Cy Pres Award Proposal – *In re Google Inc. Street View Electronic Communications Litigation*

The Center on Privacy & Technology at Georgetown Law is pleased to submit this proposal in support of a request for a cy pres award made available in the resolution of *In re Google Inc. Street View Electronic Communications Litigation*. This proposal provides a brief background on our organization and our achievements and outlines our plans and goals for work that would be funded by a grant of cy pres funds. We think we are well-positioned to promote the interests of the class that the lawsuit seeks to protect.

OUR ORGANIZATION

The Center on Privacy & Technology at Georgetown Law is a think tank that aims to bridge the gap between the policy and academic worlds on privacy and surveillance, and train law students to be the next generation of leaders in the field. The Center is part of Georgetown University, a 501(c)(3) institution of higher education.

The Center has five full-time faculty directors (Professors David Vladeck, Angela Campbell, Julie Cohen, Laura Donohue, and Paul Ohm), and eight staff: a founding director (Alvaro Bedoya), an executive director (Laura Moy), an operations director (Katie Evans), three full-time staff attorneys (Clare Garvie, Gabrielle Rejouis, and Harrison Rudolph), and one technology fellow (Julia Chrusciel). Our goals are to:

1. **Provide an intellectual and technical foundation for broad reforms in our nation’s commercial privacy laws.** A thorough and sound intellectual foundation is absolutely crucial to successful public interest policy advocacy. This is especially the case in technology policy, where legally complex problems are layered on top of technical complexity and constant change. The Center conducts, shares, and publishes research to provide that foundation, especially as it relates to commercial privacy. The Center also organizes and hosts public-facing events to ensure that our research and the research of other privacy thought-leaders are elevated to the national stage. We are uniquely well positioned to lead in this area, drawing from the institutional advantages of Georgetown Law, as well as from the work and counsel of our five faculty advisors, all intellectual leaders in their respective specialties. Our faculty advisors and staff have compiled a long track record on the issues raised in this litigation, from consumer privacy, to commercial tracking, to the technology of packet sniffing, to the Wiretap Act. We are consistently a leader in providing informed commentary on consumer tracking and proposals to control it.
2. **Train the next generation of privacy-positive lawyers and technologists.** Public interest technology policy is only as strong as the advocates who lead it. The

Center aims to incubate those advocates and equip them with a hybrid skillset that includes both legal and technical competencies. In courses tied to the Center and its faculty, budding legal advocates have opportunities to partner with MIT engineering students, to write hybrid legal-technical white papers analyzing privacy issues and proposing novel policy solutions, to draft legislation that solves privacy and security problems, to learn the nuts and bolts of Internet privacy and security (e.g. “How does Wireshark work? What is war-driving?”) and to code in Python. The Center also hosts events that introduce law students to the people – and concepts – at the center of technology policy.

3. **Expose – and diminish – the negative impact of invasive commercial data practices and government surveillance on vulnerable communities.** Public interest policy advocacy in Washington, D.C. and national media coverage of privacy and surveillance have not historically put communities of color at the center, even though communities of color are frequently the most impacted by privacy-invasive commercial and government practices. The Center seeks to change that by raising awareness around and evaluating the implications of commercial and government surveillance on racial and ethnic minorities, LGBT Americans, women, the poor, and other marginalized populations.

To achieve its goals, the Center:

- Presses industry leaders to adopt more privacy protective data practices;
- Drafts model privacy legislation, and advises and supports state and federal legislators who seek to pass and/or improve privacy legislation;
- Files comments with federal executive branch departments and other federal agencies;
- Convenes academics, advocates, government officials, and industry representatives on urgent privacy issues;
- Establishes and expands course offerings that provide technical literacy to Georgetown Law students – and legal and policy literacy to technologists; and
- Provides informed commentary on the debate over privacy legislation and regulation.

REQUEST FOR CY PRES AWARD

At a time when the nation is grappling with privacy threats of unprecedented scale, the Center on Privacy & Technology at Georgetown Law seeks additional funding to maintain and expand its research, public education, and advocacy across all areas of work. In addition, the Center seeks ongoing core support for the above-detailed work that the Center does, which at present costs approximately \$1.1 million per year.

Examples of discrete purposes to which we might apply a cy pres award, depending on the size of the grant, include:

1. **Support for an Annual Conference on Consumer Privacy.** The Center already hosts a successful high-profile annual conference highlighting cutting edge research on government surveillance and its disproportionate impact on historically disadvantaged communities.¹ Center staff and faculty directors also frequently organize and present at events highlighting issues related to consumer privacy. For example, the Center's executive director recently delivered a talk at a major national tech conference regarding location privacy.² She and one of the Center's faculty directors presented at a Federal Trade Commission hearing regarding consumer privacy.³ The Center also co-hosted an event designed to highlight the ways in which threats to privacy harm marginalized communities.⁴ At present, however, the Center lacks the resources to support a recurring series of conferences focused on elevating new research on consumer privacy issues and educating policymakers and members of the public alike. We anticipate the annual budget for such a conference to range from \$25,000 - \$50,000 per year, for travel and lodging for participants, rental fees, conference materials, and other logistics. Ideally, we would hire a full-time associate to focus on consumer privacy issues and dedicate a significant percentage of time to coordinating the conference series.
2. **Support for a Full-Time Associate.** As the Center grows and works to pilot new course offerings, to produce a new consumer privacy event, and to generate more public education materials, the needs associated with conducting this work are growing as well. The Center needs funding to support a full-time associate who focuses on consumer privacy issues. A full-time associate would cost the Center approximately \$100,000 per year.
3. **Support for a Full-Time Technologist.** The work of the Center would be greatly enhanced with the hiring of a permanent full-time technologist. A technologist would assist Center staff in assessing the practices of technology companies that collect and use consumer information in ways that may violate consumers' expectations of privacy. The technologist would also assist staff in translating complex information into public education materials for broad distribution. The technologist would help build out a technological infrastructure at Georgetown, including a digital forensic lab, to help our

¹ <https://www.law.georgetown.edu/privacy-technology-center/events/color-of-surveillance-2018/>.

² <http://schedule.sxsw.com/2019/events/PP87304>.

³ <https://www.ftc.gov/news-events/events-calendar/ftc-hearing-competition-consumer-protection-21st-century-february-2019>.

⁴ <https://www.eventbrite.com/e/hill-briefing-protecting-digital-civil-rights-registration-59840592824#>.

researchers probe the online tracking of individuals. Finally, the technologist would assist in the development of new courses designed to train the next generation of privacy lawyers emerging from Georgetown Law. A full-time technologist likely would cost the Center approximately \$100,000 per year.