

# EXHIBIT H



201 4TH STREET, SUITE 102  
OAKLAND, CALIFORNIA 94607  
TELEPHONE 510.658.0702

May 24, 2023

Honorable Charles R. Breyer  
U.S. District Court Judge, Northern District of California  
450 Golden Gate Avenue, Courtroom 6 – 17th Floor  
San Francisco, CA 94102

**Status Report: In Re Google Streetview Electronic Communications Litigation *Cy pres* Administration**

Dear Judge Breyer:

Over its thirty-year history, Rose has received numerous *cy pres* which have supported various consumer protection funds, and we have significant experience complying with the legal nexus and concerns of the representative class at issue. Our grantees include non-profits, community organizations, and educational institutions whose work supports and furthers the goals of the underlying class actions.

In November 2022, the Rose Foundation for Communities and the Environment was approved as a recipient for the In Re Google Streetview Electronic Communications Litigation (Google Streetview) *cy pres* in the amount of \$1,006,582.88. This report provides an overview of our process for the Consumer Privacy Fund that is expected to begin this fall.

When we were apprised that the *cy pres* had been approved mid-November 2022, we set the target fund cycle for fall of 2023 to accommodate grant cycles that were already planned. However, we expect to fully exhaust the *cy pres* funds after the Fall 2023 grant cycle. We anticipate that the next report will provide substantive details on the grant cycle including a description of the organizations, projects, and grant amounts. The process for holding and granting the *cy pres* will be executed as follows.

**Grantmaking Process: August 2023 through January 2024**

*Restricted Fund/Preservation of the Nexus:*

The funds are currently being held in a restricted internal account. We regard the court approval and related settlement documents as the equivalent of a Deed of Gift. As directed

by the settlement and underlying body of charitable law, the Rose Foundation assumes full liability for meeting the proscribed nexus with all grants enabled by the fund.

Our stewardship over the funds will include the following activities: publicizing the availability of the funds, conducting the competitive grant cycle, creating the volunteer funding board, administering grant awards, evaluating grantee progress, providing reports to the parties and/or court, conducting our annual audit, filing IRS and state charitable tax returns, and general foundation overhead. To cover costs for these activities, the Rose Foundation charges a program administration fee based on the size of the award. For this *cy pres*, we agreed to a 7 % comprehensive fee with class counsel. This will leave \$936,122.08 for grant making this fall.

*Fund Announcement:*

Our consumer advocacy funds are all managed through a competitive application process which promotes distributing the funds in a fair and transparent manner. We believe a public process also helps ensure the *cy pres* will be utilized by the communities represented in the class action and thereby benefits the entire class.

A Request for Proposals (RFP) will be developed and circulated on our website, social media channels, and the appropriate foundation directories as well as our distribution list of non-profit organizations and educational institutions. Our distribution list includes close to 400 organizations that do privacy-related work nationwide. The RFP will detail the source of funding and set forth guidelines to identify projects related to on-line privacy issues and data security. We anticipate broadcasting the fund's availability starting in August 2023 and continuing over the course of six weeks with proposals being due in early October 2023. To ensure we receive proposals from well-qualified applicants with strategic ideas, we may conduct outreach to additional organizations whose work is associated closely with the nexus. We will also advise applicants who need guidance in designing a competitive proposal and discourage applications from groups that do not seem well poised to submit qualifying applications. Given the amount of *cy pres* available, we expect to set the grant targets in the range of \$50,000 to \$100,000 per organization. This will allow organizations of various sizes and serving different constituencies to apply.

*Expert Funding Board:*

Our Consumer Funds are advised by an expert funding board whose members provide strategic guidance, review grant applications, and make funding recommendations. Members of the funding board will not be affiliated with any grant applicants and are governed by the Foundation's conflict of interest policy. The board serves on a volunteer basis – however, travel and other direct expenses are reimbursed. We anticipate assembling an expert funding board of at least two and up to six individuals to guide the grantmaking. Previous funding board members have included:

- Beth Givens, former Executive Director Privacy Rights Clearinghouse and privacy author (retired)
- Joanne McNabb, Director of Privacy Education and Policy Office of the Attorney General, California Department of Justice (retired)
- Lee Tien, Senior Staff Attorney and Adams Chair for Internet Rights, Electronic Frontier Foundation

### *Grant Awards Process:*

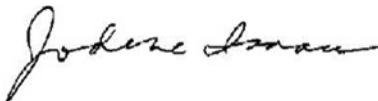
We believe that an open application process leads to the best grant investments because it allows comparison of different ideas and approaches and the ability to select the most effective strategies and projects. The applications for the Consumer Privacy Fund will require: 1) detailed project descriptions that explain proposed use of funds, 2) full organizational profiles that help us evaluate the applicants' capacity to successfully complete the project, including descriptions of key staff and board of directors, 3) explanation of communities served and key collaborators, 4) detailed financial information from the applicants and a specific project budget, and 5) a project timeline, identification of key deliverables, and evaluation metrics. We also provide the opportunity for funding board members to give feedback on proposals and obtain clarifications from organizations as needed.

### *Accountability:*

Once the funding board has made their recommendations and the Rose Foundation Board of Directors approves the grants, we execute contracts with each organization that allow ongoing oversight of grantee progress. Typically, our grant contracts are for a one-year period, but the applicants can structure their awards over a shorter or longer timeframe based on their activities and project deliverables. After their projects are complete, grantees will be required to submit detailed reports documenting activities, accomplishments, and expenses. These reports also ask grantees to share key insights gained during their project. We publish the list of grants made after every fund cycle (for all our funds) on our website and may highlight significant accomplishments of various grants funds or specific grantees in our newsletter and communications. It is anticipated at the time that at the time of the next status report in December 2023, we will have approved the docket of grants and be in the process of executing contracts.

We are honored to have the opportunity to serve the Google Streetview class with the Consumer Privacy Fund and look forward to updating you with the list of grants made later this year.

Sincerely,



Jodene Isaacs  
Mitigation Funds Director  
The Rose Foundation for Communities and the Environment

