

**Responses to Questions for the Record**  
**U.S. Senate Committee on the Judiciary**  
**Subcommittee on Competition Policy, Antitrust, and Consumer Rights**  
**“Big Data, Big Questions: Implications for Competition and Consumers”**  
**September 21, 2021**

**Markham Erickson**  
**Vice President Of Government Affairs And Public Policy, Google, Inc.**

**Written Questions Submitted by Sen. Grassley to Markham Erickson:**

**Question 1. Google monetizes user’s data by selling targeted advertisements. In the second quarter of 2021 Google had advertising revenues of \$50.44 billion. How much is the average American’s data worth to Google?**

Google does not sell users’ personal information. That is not our business model, and we have always made this policy a touchstone of Google’s relationship with our users.

Google provides users with a range of controls over how their information is used, including for personalized ads. Users may opt to permit Google to personalize the ads they see using their activity and account data, but services like Search, Maps, Gmail, and Drive remain free for users who choose not to allow the use of their data for ad targeting. Indeed, ads on Google Search primarily rely on the context of the current search query to select ads, not user information. A user can see how ads are personalized to them and change their advertising settings at <https://adssettings.google.com/>. Users can also learn about Google’s collection and use of data through our industry-leading, in-context notices, privacy reminders, and of course our Privacy Policy (available at <https://policies.google.com/privacy>).

Information regarding revenue generated by Google, by segment and source, is disclosed on a quarterly and annual basis in our Forms 10-K and 10-Q. Recent filings are available at <https://abc.xyz/investor/>.

**Question 2. There is debate over whether Big Data should be regulated through the lens of consumer protection and privacy or whether antitrust laws should be used to address competition concerns with the collection of data. Do you have an opinion about the best approach to address this issue or should we be looking at a combination of different approaches?**

We recognize policymakers and regulators are working to protect privacy while also considering whether making more data available among competitors would increase competition. These are complex issues, but we are encouraged to see some privacy and

competition regulators working together to contribute their relevant expertise to the important questions being considered, including when a privacy-oriented practice is being evaluated in an antitrust context. We will continue to engage with policymakers and regulators, as well as other stakeholders, to support thoughtful regulation that encourages innovation and protects consumers. For example, we continue to publicly support federal privacy legislation in the United States (for more information, please see <https://blog.google/outreach-initiatives/public-policy/the-urgent-necessity-of-enacting-a-national-privacy-law/>).

**Written Questions Submitted by Sen. Hawley to Markham Erickson:**

**Question 1. Please provide copies of all research findings or reports, whitepapers, slideshows, meeting recordings, or other documentation circulated within Google, over the past ten years, pertaining to each of the following topic areas:**

- a. Addiction or addictive behaviors associated with the use of Google's products and services;**
- b. Depression and/or self-harm associated with the use of Google's products and services;**
- c. Impact of Google's products and services on the mental health and wellness of users under age 18;**
- d. Extent to which Google's products and services are accessed by users under age 13;**
- e. Development of novel products or services targeted specifically to users under age 13.**

The relationship between technology use and physical and mental wellbeing is complex, especially for children and young people. Recent studies have highlighted that digital media use can help teens communicate with peers and family, seek helpful resources and support if they are experiencing distress, and find opportunities for learning and entertainment that can help combat isolation. We partner with expert organizations to inform our products and policies, and directly support and provide expertise to organizations that work directly with young people. Through Google.org, we have supported several organizations that support child and teen mental health, providing funding and technical expertise.

We take the health and well-being of all our creators and viewers seriously. Awareness and understanding of mental health is important and we support creators sharing their stories, such as posting content discussing their experiences with depression, self-harm, or other mental health issues. For much of this content, we show viewers where they can find mental health support or suicide prevention resources, like referring them to the 24/7 Crisis Lifeline here in the US. However, we do not allow content that promotes self-harm or suicide.

Over the past several years, as part of our work to build a trusted environment for kids and families, we have worked with parents and experts across the globe in areas related to child safety, child development, digital literacy, and online safety. The advice from this group of trusted experts helps us build products that offer a positive experience for families, and was instrumental in the creation of the YouTube supervised experience, a solution for parents of teens and tweens launched in March 2021 on the main YouTube platform.

The YouTube supervised experience allows parents to choose among three different content choices: content generally suitable for viewers aged 9+; content generally suitable for viewers 13+; and the 'Most of YouTube' option, which excludes all age-restricted content (18+). To help parents understand more about the YouTube supervised experience, we have developed guides (such as those available at <https://www.youtube.com/myfamily/>), videos (such as <https://www.youtube.com/watch?v=oVOa6nDU7HQ>), and support pages (available at <https://support.google.com/youtube/answer/10314940?hl=en>), building on Google's successful Be Internet Awesome digital literacy resources, and in partnership with the National PTA, Parent Zone UK and other leading experts. We will continue to partner with these and other groups to provide easy to use resources specifically for parents to help them keep their kids safe online.

For our youngest users, we've also built a dedicated kids destination, the YouTube Kids app. We've invested heavily over the years to make YouTube Kids a safer, family-friendly place for kids to explore their imagination and curiosity. We have a higher bar for which videos can be a part of the app and also empower parents to control what content their child can and cannot see. If a channel has "Made for Kids" content, we use YouTube's quality principles for kids and family content to determine the monetization status of that content. We also have a made for kids ads policies to ensure we are providing protections and delivering age-appropriate experiences for ads on Google and we do not allow personalized targeting to kids under 13.

We care deeply about how families and children use technology and have engaged third parties to help us understand the challenges faced. For example, in 2019, we commissioned Fluent Research to conduct a study to examine the role digital technology plays in the wellbeing of families and to help us understand how we could better support healthy tech habits through our products (more information is available at [https://services.google.com/fh/files/blogs/fluent\\_digital\\_wellbeing\\_report\\_global.pdf](https://services.google.com/fh/files/blogs/fluent_digital_wellbeing_report_global.pdf)). This research, which included focus groups and/or survey respondents in eleven countries, has informed our approach to product and policy design, directly impacting our efforts to create experiences that help develop healthy tech habits, including the evolution of Family Link parental controls.

**Question 2. Please provide the following information:**

- a. How much revenue, in the aggregate, does Google estimate that it makes from users under 18?**
- b. How much revenue does Google estimate that it makes from *each individual* user under 18?**
- c. How much revenue, in the aggregate, does Google estimate that it makes from users under 13?**

**d. How much revenue does Google estimate that it makes from *each individual* user under 13?**

Google does not maintain, in the ordinary course of business, records of revenues at the user level. Our quarterly and yearly operating income numbers for all our business units are detailed in our public filings, available at <https://abc.xyz/investor/>.

**Question 3. Has Google ever required a third party to alter search results, provide internal data, or make other nonmonetary contractual concessions in order to distribute or otherwise obtain access to Google's apps, including YouTube and YouTube TV?**

Our agreements to distribute YouTube include a certification process in which new devices need to meet our technical requirements. This process exists to provide a consistent and high-quality YouTube experience for users across different devices.

For distribution partners whose devices provide users with a universal search experience that aggregates results across multiple content providers, YouTube requires that search results from YouTube are included among the results from other content providers. Partners have complete control on where to display the YouTube search results. Other content providers have similar requirements.

What is different about YouTube — in contrast to other content providers — is that we have an incredibly expansive content library with 500 hours uploaded every minute. YouTube makes a public Application Programming Interface (API) available so that all partners can query that API when a user issues a search query. If distribution partners do not have a universal search feature, we do not require them to display YouTube search results.

**Written Questions Submitted by Sen. Tillis to Markham Erickson:**

**Question 1. The term “data” can have multiple meanings, which can sometimes generate confusion in policy discussions. For example you refer to the publicly available web as an important data set. How would you define “data” and “big data”, as used in your written testimony?**

- a. How would you define consumer and user data, specifically what would be included and excluded from these definitions? For example, the section of data portability refers to the ability of users to export “their data”.**
- b. Would this include user uploaded videos, images, and text?**
- c. Would such content be considered part of the “user” data, even if it includes content that originates from other sources?**
- d. Does it include data in which intellectual property rights, including copyright, trade secret, trademark, or design rights, may subsist?**

Google’s Privacy Policy (available at <https://policies.google.com/privacy>) explains what information Google collects, why Google collects it, and how users can update, manage, export, and delete their information. We are committed to giving users access and control over their data. We were one of the first companies to offer users a centralized portal to see and manage their data through easy-to-use tools with the launch of MyAccount in 2015 (now Google Account), and we encourage Google users to visit their Google Account (available at <https://myaccount.google.com/>) where they can review the data Google has collected and can choose to export or delete the data we store.

Our Privacy Policy describes in detail the categories of information we collect. The most common of these include:

- Identifiers such as name, phone number, and address, as well as unique identifiers tied to the browser, application, or device used.
- Demographic information, such as age, gender, and language.
- Commercial information such as payment information and a history of purchases made on Google’s services.
- Internet, network, and other activity information such as search terms; views and interactions with content and ads; and activity on third-party sites and apps that use our services.
- Geolocation data, such as may be determined by GPS, IP address, and other data from sensors on or around a user’s device, depending in part on the device and account settings.
- Other information created or provided by users, such as the content created, uploaded, or received (like photos, videos, emails, docs, or spreadsheets).

- Inferences drawn from the above, like ads interest categories, if permitted by the user's settings.

The types of data Google collects or stores may be different for users based on various settings the user has selected and what products they use. For example, if a user has signed in to their account and has “Web and App Activity” enabled, we may collect and store in the user's Account data about their activity on Google's services, like the user's search query and the URL they select on the Search results page. This can be helpful to users who wish to store this history; it also allows us to make better predictions about helpful results. If that user is not signed-in, however, we may still collect information about that query for use in some of our tools, like Google Trends (<https://trends.google.com/>), or to improve our products. We would not, however, associate that information with the user's Google account.

Additionally, Google has been a leader on data portability for over a decade, enabling our users to export their data and take it to another platform (for more information on this process and our recent improvements in this area, please see <https://www.googblog.com/author/markham-erickson/> and <https://support.google.com/accounts/answer/3024190>). Since 2011, Google has enabled users to easily move their content to competing services, with more than one billion gigabytes exported from Google products. This data download process, which we call Google Takeout, makes it possible for users to move their content to competing services, so no one feels they have to continue using Google if they prefer a service of another company (additional details are available at <https://takeout.google.com/settings/takeout>). This process can facilitate the export of data from more than 70 Google products, including Chrome, Gmail, Drive, Search, and YouTube. Users are able to export their data in a variety of industry standard formats that they can select based on product, type of data, and intended use. Users can also view a summary of the data saved in their Google accounts by following the instructions available at <https://support.google.com/accounts/answer/162744>. We know these features are being used – on average, we see 8.2 million exports per month with Google Takeout, and in 2021, more than 400 billion files were exported (a rate that has doubled since 2019).

Recognizing that data portability can be challenging for people who don't have high-speed internet, unlimited mobile data plans, or who don't have a personal device with extra storage, in 2018, we launched the Data Transfer Project (DTP), an open-source collaboration between Google, Apple, Meta, Microsoft, Twitter, and SmugMug to simplify data portability for people around the world. Unlike traditional methods of moving your files from one service to another, which require reliable broadband or drawing on mobile data plans, with DTP people can simply authorize a copy of the data to safely move to a new service without having to download it to a personal device first. (more information on this project is available at <https://opensource.googleblog.com/2018/07/introducing-data-transfer-project.html> and <https://datatransferproject.dev/>).

We recognize that privacy is not a one-size-fits-all proposition. Different users want to make different choices about how much information they share and how it is used. That is why we give our users control over their data privacy. To that end, we are continually focused on building tools that enable people to make the privacy choices that are right for them and their families.

**Question 2. Ad-revenue used to support online piracy is a longstanding problem. Criminals profit by receiving advertising dollars in exchange for giving users free access to stolen movies, music, books, software, and other materials—stealing money from hardworking creators, including many small businesses and individual artists. A recent report found that over a *billion dollars a year* in advertising goes to supporting online pirated content.<sup>1</sup> Both the US and EU have been working on voluntary “follow the money” initiatives for several years with various actors, including Google, to stop funding theft. Yet the same report found that Google’s advertising technologies provided 51 percent of ads to pirate apps.<sup>2</sup> This is particularly alarming given that other digital advertisers “almost never appear on piracy apps.”<sup>3</sup>**

- a. Why was Google identified as the top major brand involved in placing advertising on applications? What measures are you taking to change this?**

We share your interest in fighting online piracy and agree that one effective way to combat rogue sites that specialize in online piracy is to cut off their money supply. That is why we have worked diligently to block infringing sites and apps from using our services and work with other technology companies, publishers, and advertisers to develop and implement best practices for the advertising industry. These efforts have been successful. Around the world, online piracy has been decreasing, and spending on legitimate content is rising. Unfortunately, bad actors work hard to circumvent our systems and policies. While we recognize that we will never be able to fully eradicate piracy, we remain committed to these efforts and will continue to invest in our fight against piracy.

The report referenced in the question claims that advertisements of major brands are 24% of total ads on the reviewed applications. Of that 24%, advertisements for Google represented only 5% of those advertisements, which means that, according to the study, advertisements for Google were just 1.2% of the ads on the reviewed applications.

The report also notes that advertisements for major brands are 4% of total ads on the reviewed websites and that advertisements for Google were fewer than one percent of major

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<sup>1</sup> Digital Citizens Alliance and White Bullet, Breaking (B)ads: How Advertiser-Supported Piracy Helps Fuel A Booming Multi-Billion Dollar Illegal Market (July 2021), <https://www.digitalcitizensalliance.org/clientuploads/directory/Reports/Breaking-Bads-Report.pdf>.

<sup>2</sup> *Id.*, pg. 34.

<sup>3</sup> *Id.*, pg. 17.



brand advertisements. This means advertisements for Google very rarely appeared on the reviewed websites.

It is also important to note that the methodology used in the report relies on a list of websites and apps that were identified by the author's own commercial machine-learning algorithm and includes data that is based on assumptions about ad revenue and traffic. Google is a leader in rooting out and ejecting rogue sites and apps from our publisher network. However, we acknowledge that no system is ever perfect and we remain committed to this work despite the challenges.

**b. Does Google receive money from placing advertising on websites that contain pirated content?**

We believe that one effective way to combat rogue sites that specialize in online piracy is to cut off their money supply. That is why we have been so committed to diligently blocking bad actors from using our services and helping set industry standards for safe online advertising. Our research has shown that AdSense ads, or ads that are matched with sites based on their content and visitors, appear on fewer than one-tenth of 1% of the pages that copyright owners identify in copyright removal notices for Search (more information on AdSense is available at <https://support.google.com/adsense/answer/6242051>).

**c. What steps does Google take, both in the United States and worldwide, to prohibit advertising on piracy websites and applications?**

We have always prohibited publishers from using our services to place ads on pages that contain pirated works, and we proactively monitor our network to root out bad publishers. In addition, when we receive a Digital Millennium Copyright Act (DMCA) notice for search, we take action to ensure that advertisements do not run on those same pages. Copyright holders can also notify us of pages or advertising that violates our policies through a webform.

We also work with other advertising leaders to craft best practices aimed at raising standards across the entire online advertising industry. Our efforts have been effective. In 2021, we blocked or removed 44.2 million advertisements that abused our policies related to copyright.

**d. Do you agree that supporting commercial-scale pirate websites and apps through advertising dollars is wrong?**

As noted above, we are and have been committed to diligently blocking bad actors from using our services and helping set industry standards for safe online advertising.

**e. Does Google, or its agents or subsidiaries, block payment for ad impressions on pirated content?**

We are always reviewing publisher pages for compliance with our policies. When we find ads running on pages that violate our policies, we remove the ads and stop the publisher from accruing further revenue on these pages.

**f. Does Google, or its agents or subsidiaries, conduct independent audits to ensure that any policies are being implemented effectively? How frequently are policies reviewed?**

We review our advertising policies and enforcement efforts regularly to ensure they remain up to date and effective. We have thousands of people globally working on policy development and enforcement. We actively track emerging trends and adversarial behavior and are quick to adapt our enforcement and policies accordingly. Additionally, in 2021, we added or updated over 30 policies for both advertisers and publishers.

We are active in industry associations that drive accountability through independent oversight on brand safety, operations, and reporting. YouTube was the first digital platform to ever receive accreditation from the Media Ratings Council's Enhanced Content Level Context and Brand Safety Guidelines, which are also sponsored by the American Association of Advertising Agencies, the Association of National Advertisers, and the Interactive Advertising Bureau. We also continue to work with the Global Alliance for Responsible Media on its strategic focus areas, such as exploring new reporting metrics on brand safety and improving brand safety tools across the industry to better manage advertising adjacency.

**g. Does Google collect data over its own ad placements that would allow it to prevent placement on websites or apps that pose a high risk for distributing illegal content, including pirated content?**

As detailed in our responses above, we currently use the most effective methods we can to prevent the placement of our own advertisements on websites and apps that contain potentially infringing content. We continue to examine ways that we can further improve.

**h. Google Ads is a tool offered to businesses and brands to place their ads in front of consumers. A brand chooses the type of audience it wants to reach and Google places the ad on the websites most likely to reach the target demographic. What steps are taken to ensure that ads are not placed on pirate websites?**

Please refer to our answer to Question 2c, above.

**i. What steps are taken to ensure that pirate publishers are prohibited from selling ad space through Google's advertising subsidiaries?**

Please refer to our answer to Question 2c, above.

**j. What steps is Google taking to enhance transparency of its activities on its advertising networks?**

We provide information about our policies and practices through our Google Transparency Report (available at <https://transparencyreport.google.com/>) and our Annual Ads Safety Report (available at <https://blog.google/products/ads-commerce/ads-safety-report-2021/>). We are committed to giving our users transparency, choice, and control when it comes to the ads they see on our platforms. We are working toward verification of all advertisers globally, and we recently announced that we are enhancing ad disclosures in the U.S. to link to advertiser pages that include an ad creative repository, the legal name, and country of origin for the advertiser.

**Question 3. You stated in your testimony that Google does not sell data that it collects online.**

- a. Does Google share data collected in one business unit with other business units?**
- b. Does it share data collected with any legal entities outside of Google?**
- c. Does it share any of this data in connection with a legal business transaction?**

At Google, we believe that data should be used to make consumers' lives better by improving the quality and diversity of products and services available, while protecting users' privacy and giving them control. Our business relies on earning our users' trust, specifically in how we use and protect their data. We work to maintain that trust by offering industry-leading controls to manage privacy. Three billion users visit their Google accounts every year, where they can review and change their privacy settings and delete data stored with their account.

Google does not sell users' personal information to anyone. That is not our business model, and we have always made this a touchstone of Google's relationship with our users. Google shares personal information with partners in the specific circumstances described in our Privacy Policy section on Google partners at <https://policies.google.com/privacy/google-partners>, including:

- With user consent: For example, if users use Google Home to make a reservation through a booking service, we will get their permission before sharing their name or phone number with the restaurant.
- For external processing: We provide personal information to our affiliates and other trusted businesses or persons to process it for us, based on our instructions and in compliance with our Privacy Policy and any other appropriate confidentiality and security measures. For example, we use service providers to help us with customer support.

- For legal reasons, such as to meet any applicable law, regulation, legal process, or enforceable governmental request.

In addition, our Privacy Policy (available at <https://policies.google.com/privacy?hl=en-US>) describes for users how we may use or combine data across our products, as well as the controls they have over their information. For example, depending on their settings, if a user watches videos of guitar players on YouTube, they might see an ad for guitar lessons on a site that uses our ad products. Some other examples of how we combine the information we collect include:

- When users are signed in to their Google Account and search on Google, they can see search results from the public web, along with relevant information from the content they have in other Google products, like Gmail or Google Calendar. This can include things like the status of an upcoming flight, restaurant, and hotel reservations, or their photos.
- If users have communicated with someone via Gmail and want to add them to a Google Doc or an event in Google Calendar, Google makes it easy to do so by autocompleting their email address when our users start to type in their name. This feature makes it easier to share things with people they know.

**Question 4. Ms. Slaiman advocates for “a digital regulator to comprehensively the policy questions surrounding digital platforms.”**

- Do you agree that this is necessary?**
- Given the many issues beyond privacy and competition that address and implicate digital policy—including cybersecurity, national security, consumer rights, free speech, and intellectual property concerns—what existing agency would be the best situated, in your view, to carry out this role?**
- Is it important to you that the regulator should be politically accountable?**

We recognize policymakers and regulators are working to protect privacy while also considering whether making more data available among competitors would increase competition. We are encouraged to see some privacy and competition regulators conferring more formally to contribute their relevant expertise to the important questions being considered, for example when a privacy-oriented practice is being evaluated in an antitrust context. We will continue to engage with policymakers and regulators, as well as other stakeholders, to support thoughtful regulation that encourages innovation and protects consumers. For example, we continue to publicly support federal privacy legislation in the United States (more information is available at <https://blog.google/outreach-initiatives/public-policy/the-urgent-necessity-of-enacting-a-national-privacy-law/>).