

# United States Senate

WASHINGTON, DC 20510

May 17, 2022

Auren Hoffman  
Chief Executive Officer  
SafeGraph, Inc.  
1624 Market Street, Suite #226  
Denver, CO 80202

Dear Mr. Hoffman:

We write to demand answers regarding an appalling new report that SafeGraph has been collecting and selling the cellphone-based location data of people who visit abortion clinics such as Planned Parenthood.<sup>1</sup> Especially in the wake of the Supreme Court's leaked draft opinion overturning *Roe v. Wade*,<sup>2</sup> your company's sale of such data—to virtually anyone with a credit card—poses serious dangers for all women seeking access to abortion services. SafeGraph must immediately account for its problematic practices to Congress and to the American people and guarantee that it will eliminate these practices, and others like them, completely and permanently.

Data brokers across the country use a similar three-step business model. First, companies collect untold amounts of data from Americans when they use websites, mobile applications, and more, oftentimes without the consumer's informed consent or knowledge.<sup>3</sup> Second, data brokers scoop up that information in bulk and repackage that information for sale.<sup>4</sup> Third, purchasers of all stripes buy the data for almost any purpose<sup>5</sup>—whether to serve targeted ads or assemble credit reports<sup>6</sup>—reaping massive profits for the \$200 billion data-broker industry.<sup>7</sup>

But SafeGraph's sale of abortion clinic data is especially pernicious, even by the low standards of the largely unregulated data-broker market. SafeGraph collects location data on millions of Americans using the apps on their phones, such as weather apps or prayer apps.<sup>8</sup> The

<sup>1</sup> Vice, "Data Broker Is Selling Location Data of People Who Visit Abortion Clinics," Joseph Cox, May 3, 2022, <https://www.vice.com/en/article/m7vzjb/location-data-abortion-clinics-safegraph-planned-parenthood>.

<sup>2</sup> Politico, "Supreme Court has voted to overturn abortion rights, draft opinion shows," Josh Gerstein and Alexander Ward, May 2, 2022, <https://www.politico.com/news/2022/05/02/supreme-court-abortion-draft-opinion-00029473>.

<sup>3</sup> Federal Trade Commission, "Data Brokers: A Call for Transparency and Accountability," May 2014, p. iv, <https://www.ftc.gov/system/files/documents/reports/data-brokers-call-transparency-accountability-report-federal-trade-commission-may-2014/140527databrokerreport.pdf>.

<sup>4</sup> *Id.*

<sup>5</sup> *Id.* at v-vi.

<sup>6</sup> Senate Committee on Commerce, Science, and Transportation, Office of Oversight and Investigations, "A Review of the Data Broker Industry: Collection, Use, and Sale of Consumer Data for Marketing Purposes," December 2013, p. i, <https://www.commerce.senate.gov/services/files/bd5dad8b-a9e8-4fe9-a2a7-b17f4798ee5a>.

<sup>7</sup> Harvard Business Review, "Buying Consumer Data? Tread Carefully.," Catherine Tucker and Nico Neumann, May 1, 2020, <https://hbr.org/2020/05/buying-consumer-data-tread-carefully>.

<sup>8</sup> Electronic Frontier Foundation, "SafeGraph's Disingenuous Claims About Location Data Mask a Dangerous Industry," Bennett Cyphers and Gennie Gebhart, May 6, 2022, <https://www.eff.org/deeplinks/2022/05/safegraphs-disingenuous-claims-about-location-data-mask-dangerous-industry>.

data is incredibly precise: it reveals “the latitude and longitude of a device at a given point in time,” down to the exact building.<sup>9</sup> Purchasers of the data—per SafeGraph’s own marketing—can determine “how often people visit [any given location], how long they stay, where they came from, where else they go, and more,”<sup>10</sup> even including where someone lives based on where their phone is located overnight.<sup>11</sup> And perhaps most alarmingly, essentially anyone can buy SafeGraph’s repackaged data,<sup>12</sup> enabling individuals, corporations, and governments alike to learn who is seeking access to abortion care and where they are.

It is difficult to overstate the dangers of SafeGraph’s unsavory business practices. Anti-abortion activists have already used location data to send targeted anti-choice ads to women’s phones while they are sitting in abortion clinics.<sup>13</sup> Anti-abortion violence is on the rise, with assaults and threats of harm against abortion providers more than doubling between 2016 and 2020.<sup>14</sup> Anti-abortion politicians in Republican-led states have placed bounties on women who receive abortions and doctors that provide them and even proposed laws that would punish pregnant people for traveling to seek abortions out of state.<sup>15</sup> Anti-abortion prosecutors have used search and message data to criminally charge abortion seekers.<sup>16</sup> These and other practices targeting women seeking necessary health care services are almost certain to escalate if *Roe v. Wade* is gutted and abortion is criminalized instantly in states across the nation. Under these circumstances, SafeGraph’s decision to sell data that allowed any buying customer to determine the locations of people seeking abortion services was simply unconscionable, risking the safety and security of women everywhere.

SafeGraph’s response to the public outcry over its practices misses the mark. In your blog post justifying SafeGraph’s sale of abortion clinic data, you claimed that your company’s location data was “fully aggregated and anonymized.”<sup>17</sup> But as experts have repeatedly warned, it can be “trivially easy” to link someone’s location data with their real-world identities, especially

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<sup>9</sup> SafeGraph, “FAQs,” <https://docs.safegraph.com/docs/faqs#section-where-does-the-device-data-used-in-patterns-come-from>.

<sup>10</sup> SafeGraph, “Patterns,” <https://docs.safegraph.com/docs/monthly-patterns>.

<sup>11</sup> *Id.*

<sup>12</sup> Vice, “Google Bans Location Data Firm Funded by Former Saudi Intelligence Head,” Joseph Cox, August 21, 2021, <https://www.vice.com/en/article/5db4ad/google-bans-safegraph-former-saudi-intelligence>; Protocol, “SafeGraph is under fire for selling abortion data. Its CEO says more changes are coming.,” Kate Kaye, May 4, 2022, <https://www.protocol.com/enterprise/safegraph-auren-hoffman-abortion-data>.

<sup>13</sup> Rewire News Group, “Anti-Choice Groups Use Smartphone Surveillance to Target ‘Abortion-Minded Women’ During Clinic Visits,” Sharon Coutts, May 25, 2016, <https://rewirenewsgroup.com/article/2016/05/25/anti-choice-groups-deploy-smartphone-surveillance-target-abortion-minded-women-clinic-visits>.

<sup>14</sup> NBC News, “Abortion clinics are bracing for protests, harassment and violence if Roe falls,” John Schuppe, May 4, 2022, <https://www.nbcnews.com/news/us-news/abortion-clinics-protests-security-rcna27270>.

<sup>15</sup> New York Times, “The Texas Abortion Law Creates a Kind of Bounty Hunter. Here’s How It Works.,” Alan Feuer, September 10, 2021, <https://www.nytimes.com/2021/09/10/us/politics/texas-abortion-law-facts.html>; Bloomberg Law, “Abortion-Travel Bans Are ‘Next Frontier’ With Roe Set to Topple,” Lydia Wheeler and Patricia Hurtado, May 4, 2022, <https://news.bloomberglaw.com/us-law-week/abortion-travel-bans-emerge-as-next-frontier-after-roes-end>.

<sup>16</sup> Gizmodo, “Creepy Data Broker Says It Will No Longer Sell Planned Parenthood Visitors’ Location History,” Mack DeGeurin, May 4, 2022, <https://gizmodo.com/safegraph-planned-parenthood-location-data-abortion-pet-1848880465>.

<sup>17</sup> SafeGraph, “Demystifying the SafeGraph Facts,” Auren Hoffman, May 3, 2022, <https://www.safegraph.com/blog/demystifying-the-safegraph-facts>.

when datasets are limited to only “four or five” devices in a location.<sup>18</sup> In the same blog post, you assured the public that SafeGraph was “removing Patterns data for locations classified as ... ‘Family Planning Centers’” from its self-serve store.<sup>19</sup> But SafeGraph offered no further details about: (a) how many Americans had their sensitive data sold, (b) who purchased this data, (c) how long this data was available to the public, (d) whether the data removal would be permanent, (e) what SafeGraph would do to support those whose data was already sold, or (f) any other remedial measures that your company planned on taking.

SafeGraph’s sale of this data presents an ongoing threat to women who have sought abortions and who may seek them in the future, a threat that is magnified by the leaked Supreme Court draft opinion which would eviscerate a woman’s right to choose.<sup>20</sup> To better understand SafeGraph’s disturbing practice of collecting and selling the location data of Americans at abortion clinics across the country—especially given your company’s long history of prior privacy violations and its resulting removal from the Google Play Store<sup>21</sup>—we request that you answer the following questions by May 31, 2022:

1. How many individuals who visited “Family Planning Centers” had their location data sold by SafeGraph in total?
2. Was any other data indicating locations where people may have sought or obtained abortions sold by SafeGraph? If so, what data was sold?
3. Did any advocacy organizations or government agencies purchase the location data of people who visited “Family Planning Centers” from SafeGraph? If so, which ones?
4. Which mobile applications and data brokers supplied the location data of people who visited “Family Planning Centers”?
5. What steps has SafeGraph taken to ensure that all its data suppliers—such as mobile applications—obtain informed consent from consumers before collecting and selling their data to SafeGraph?
6. Does SafeGraph continue to receive and sell data collected from applications in Google’s Play Store despite its reported ban? If so, how has SafeGraph circumvented Google’s ban?
7. For how long was the location data of people who visited “Family Planning Centers” available through SafeGraph?
8. Is the location data of people who visited “Family Planning Centers” or other locations where people may have sought or obtained abortions available from your company outside of SafeGraph’s self-serve store?

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<sup>18</sup> Electronic Frontier Foundation, “Illinois Bought Invasive Phone Location Data From Banned Broker Safegraph,” Bennett Cyphers and Jason Kelley, August 19, 2021, <https://www.eff.org/deeplinks/2021/08/illinois-bought-invasive-phone-location-data-banned-broker-safegraph>; Vice, “Data Broker Is Selling Location Data of People Who Visit Abortion Clinics,” Joseph Cox, May 3, 2022, <https://www.vice.com/en/article/m7vzjb/location-data-abortion-clinics-safegraph-planned-parenthood>.

<sup>19</sup> SafeGraph, “Demystifying the SafeGraph Facts,” Auren Hoffman, May 3, 2022, <https://www.safegraph.com/blog/demystifying-the-safegraph-facts>.

<sup>20</sup> Politico, “Supreme Court has voted to overturn abortion rights, draft opinion shows,” Josh Gerstein and Alexander Ward, May 2, 2022, <https://www.politico.com/news/2022/05/02/supreme-court-abortion-draft-opinion-00029473>.

<sup>21</sup> Vice, “Google Bans Location Data Firm Funded by Former Saudi Intelligence Head,” Joseph Cox, August 21, 2021, <https://www.vice.com/en/article/5db4ad/google-bans-safegraph-former-saudi-intelligence>.

9. What procedures did SafeGraph have in place to screen the individuals, organizations, or governments who purchased the location data of people who visited “Family Planning Centers” to prevent the data’s misuse?
10. How is SafeGraph supporting the people whose location data has already been sold by your company to countless customers?
11. Precisely what data is encompassed by SafeGraph’s new commitment to no longer sell the data of individuals who visited “Family Planning Centers”?
12. Is there any other data involving locations where people may have sought or obtained abortions that will still be sold by SafeGraph? If so, what data will be sold?
13. Will SafeGraph commit to a permanent ban on the sale of the location data of people who visited “Family Planning Centers” and any other sensitive locations?

Thank you for your attention to this important matter.

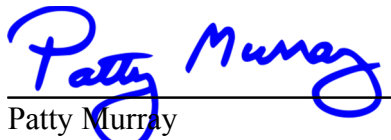
Sincerely,



Elizabeth Warren  
United States Senator



Tammy Baldwin  
United States Senator



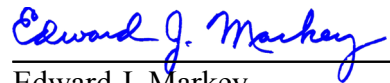
Patty Murray  
United States Senator



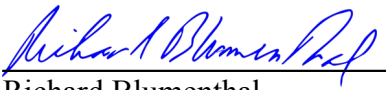
Tina Smith  
United States Senator



Bernard Sanders  
United States Senator



Edward J. Markey  
United States Senator



Richard Blumenthal  
United States Senator



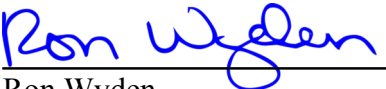
Cory A. Booker  
United States Senator



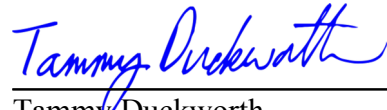
Amy Klobuchar  
United States Senator



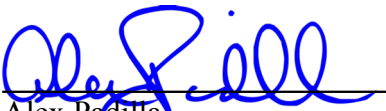
Christopher S. Murphy  
United States Senator



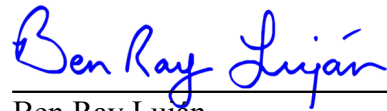
Ron Wyden  
United States Senator



Tammy Duckworth  
United States Senator



Alex Padilla  
United States Senator



Ben Ray Lujan  
United States Senator

# United States Senate

WASHINGTON, DC 20510

May 17, 2022

Noam Ben-Zvi  
Chief Executive Officer  
Placer.ai  
153 2<sup>nd</sup> Street  
Los Altos, CA 94022

Dear Mr. Ben-Zvi:

We write to demand answers regarding an appalling new report that Placer.ai has been collecting and selling the cellphone-based location data of people who visit abortion clinics such as Planned Parenthood.<sup>1</sup> Especially in the wake of the Supreme Court’s leaked draft opinion overturning *Roe v. Wade*,<sup>2</sup> your company’s sale of such data—to virtually anyone with a credit card and in some cases, to anyone with a free account—poses serious dangers for all women seeking access to abortion services. Placer.ai must immediately account for its problematic practices to Congress and to the American people and guarantee that it will eliminate these practices, and others like them, completely and permanently.

Data brokers across the country use a similar three-step business model. First, companies collect untold amounts of data from Americans when they use websites, mobile applications, and more, oftentimes without the consumer’s informed consent or knowledge.<sup>3</sup> Second, data brokers scoop up that information in bulk and repackage that information for sale.<sup>4</sup> Third, purchasers of all stripes buy the data for almost any purpose<sup>5</sup>—whether to serve targeted ads or assemble credit reports<sup>6</sup>—reaping massive profits for the \$200 billion data-broker industry.<sup>7</sup>

But Placer.ai’s sale of abortion clinic data is especially pernicious, even by the low standards of the largely unregulated data-broker market. Placer.ai collects location data on millions of Americans using the apps on their phones, such as weather apps or prayer apps.<sup>8</sup> The

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<sup>8</sup> Placer.ai, “Our Data,” <https://www.placer.ai/resources/our-data>.

data is incredibly precise: it offers “[u]nprecedented visibility into consumer foot-traffic,” down to the exact building.<sup>9</sup> Purchasers of the data can determine where people who visit a given location came from, where they go afterwards, and even where they live.<sup>10</sup> And perhaps most alarmingly, literally anyone with a free account can access elements of Placer.ai’s repackaged data—including heat maps approximating where someone lives<sup>11</sup>—enabling individuals, corporations, and governments alike to learn who is seeking access to abortion care and where they are.

It is difficult to overstate the dangers of Placer.ai’s unsavory business practices. Anti-abortion activists have already used location data to send targeted anti-choice ads to women’s phones while they are sitting in abortion clinics.<sup>12</sup> Anti-abortion violence is on the rise, with assaults and threats of harm against abortion providers more than doubling between 2016 and 2020.<sup>13</sup> Anti-abortion politicians in Republican-led states have placed bounties on women who receive abortions and doctors that provide them and even proposed laws that would punish pregnant people for traveling to seek abortions out of state.<sup>14</sup> Anti-abortion prosecutors have used search and message data to criminally charge abortion seekers.<sup>15</sup> These and other practices targeting women seeking necessary health care services are almost certain to escalate if *Roe v. Wade* is gutted and abortion is criminalized instantly in states across the nation. Under these circumstances, Placer.ai’s decision to offer data that allowed essentially anyone to determine the locations of people seeking abortion services was simply unconscionable, risking the safety and security of women everywhere.

Placer.ai’s response to the investigation of its practices misses the mark. Shortly after reporters contacted your company about its sale of abortion clinic data, “Placer.ai quietly removed the ability to search for Planned Parenthood from its website.”<sup>16</sup> But Placer.ai offered no public statement or explanation for its practices, let alone an apology. In particular, Placer.ai provided no details whatsoever about: (a) how many Americans had their sensitive data sold or transferred, (b) who accessed this data, (c) how long this data was available to the public, (d)

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<sup>9</sup> Placer.ai, “Home,” <https://www.placer.ai>.

<sup>10</sup> Vice, “Location Data Firm Provides Heat Maps of Where Abortion Clinic Visitors Live,” Joseph Cox, May 5, 2022, <https://www.vice.com/en/article/g5qaq3/location-data-firm-heat-maps-planned-parenthood-abortion-clinics-placer-ai>.

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whether the data removal would be permanent, (e) what Placer.ai would do to support those whose data was already accessed, or (f) any other remedial measures that your company planned on taking.<sup>17</sup>

Placer.ai's sale and transfer of this data presents an ongoing threat to women who have sought abortions and who may seek them in the future, a threat that is magnified by the leaked Supreme Court draft opinion which would eviscerate a woman's right to choose.<sup>18</sup> To better understand Placer.ai's disturbing practice of collecting and selling the location data of Americans at abortion clinics across the country, we request that you answer the following questions by May 31, 2022:

1. How many individuals who visited Planned Parenthood clinics had their location data exposed or sold by Placer.ai in total?
2. Was any other data indicating locations where people may have sought or obtained abortions offered or sold by Placer.ai? If so, what data was offered or sold?
3. Did any advocacy organizations or government agencies access or purchase the location data of people who visited Planned Parenthood clinics from Placer.ai? If so, which ones?
4. Which mobile applications and data brokers supplied the location data of people who visited Planned Parenthood clinics?
5. What steps has Placer.ai taken to ensure that all its data suppliers—such as mobile applications—obtain informed consent from consumers before collecting and selling their data to Placer.ai?
6. For how long was the location data of people who visited Planned Parenthood clinics available through Placer.ai?
7. What procedures did Placer.ai have in place to screen the individuals, organizations, or governments who accessed or purchased the location data of people who visited Planned Parenthood clinics to prevent the data's misuse?
8. How is Placer.ai supporting the people whose location data has already been exposed or sold by your company to countless customers?
9. Precisely what data did Placer.ai remove from its platform after *Vice* contacted your company regarding its practices on May 4, 2022?
10. Is there any other data involving locations where people may have sought or obtained abortions that will still be available through Placer.ai? If so, what data will be offered or sold?
11. Will Placer.ai commit to a permanent ban on the sale of the location data of people who visited abortion clinics and any other sensitive locations?

Thank you for your attention to this important matter.

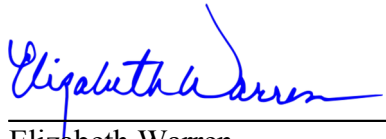
Sincerely,

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<sup>17</sup> To the extent that Placer.ai seeks to claim that its data is anonymized or aggregated, we would note that experts have repeatedly warned that it can be “trivially easy” to link someone's location data with their real-world identities. Electronic Frontier Foundation, “Illinois Bought Invasive Phone Location Data From Banned Broker Safegraph,” Bennett Cyphers and Jason Kelley, August 19, 2021, <https://www.eff.org/deeplinks/2021/08/illinois-bought-invasive-phone-location-data-banned-broker-safegraph>.

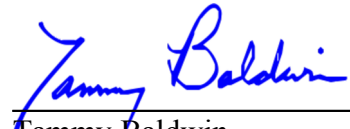
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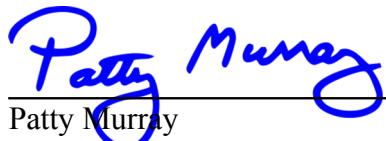
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Elizabeth Warren  
United States Senator



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Tammy Baldwin  
United States Senator



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Patty Murray  
United States Senator



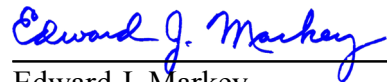
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Tina Smith  
United States Senator



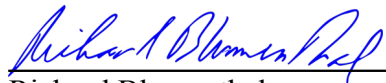
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Bernard Sanders  
United States Senator



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Edward J. Markey  
United States Senator



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Richard Blumenthal  
United States Senator



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Cory A. Booker  
United States Senator



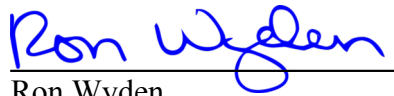
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Amy Klobuchar  
United States Senator



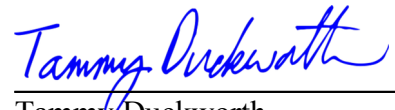
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Christopher S. Murphy  
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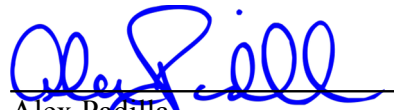
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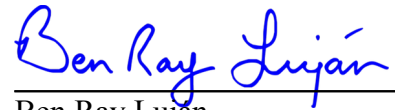
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Ben Ray Lujan  
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