

Safegraph

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Our date:

12.05.2020

Our case:

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Your date:

Your case:

Concerning Safegraph collection of personal data through the app Perfect365

Dear madam/sir,

We would like to address a number of issues related to Safegraph collecting personal data through the app Perfect365, as detailed in chapter 6.1.2 of our report “Out of Control”.¹ We find the data collection that we observed Safegraph engaging in to be alarming from a data protection and consumer rights perspective.

As far as we are aware, Safegraph has not responded to the findings of the report. Therefore, we want to take this opportunity to outline several problematic practices that we have observed through our work.

We would like to start by saying that throughout our report and this letter, we refer to “personal data” as set forth in GDPR Article 4(1). This includes any information relating to an identified or identifiable natural person, including identifiers such as Android Advertising IDs and IP addresses. As described in chapter 6.1 of our report, location data can be used to identify individuals, and is therefore considered personal data.

We would also like to emphasize that the Norwegian Consumer Council is not a regulatory body or supervisory authority. We are a governmentally funded interest organization working for consumer rights.

When the report was published on January 14th 2020, the Norwegian Consumer Council did not formally file complaints to data protection authorities against the data collection we observed from Safegraph. However, as far as we understand, the data collection that we observed Safegraph engaging in lacks a valid legal basis for processing, and consequently does not comply with the GDPR.

On the same day, the Norwegian Consumer Council and other consumer organisations asked data protection authorities to take action regarding all processing activities and sharing of personal data

¹ “Out of Control” <https://www.forbrukerradet.no/out-of-control/>



described in the report.² Additionally, on March 4th 2020, eleven digital and human rights organizations sent letters to their national data protection authorities, voicing concern about the data collection practices from a human rights perspective.³ This call for investigation includes our findings regarding Safegraph.

As described in chapter 6.1.2 of 'Out of Control', during our testing of the app Perfect365, we observed transmissions of personal data such as the Android Advertising ID and GPS coordinates, along with WiFi access point data, to Safegraph.

We acknowledge that third party service providers may need to collect some data in order to provide various in-app functionalities. However, as far as we can understand, Safegraph reserves the right to use the data collected from Perfect365 for a variety of its own commercial purposes, including sharing it with customers and partners.

SafeGraph aggregates the Information collected from these mobile apps, i.e., our data partners, and provides the Information to our customers. Our customers – a variety of companies and organizations – in turn use the Information for a variety of commercial and research purposes, including ad targeting (for instance, building models of inferred audience preferences), traffic analysis (for instance, tracking which parts of a city or neighborhood are most busy, at what times), retail site selection (for instance, determining where to open a new restaurant) and market research (for instance, tracking consumer shopping trends based on foot traffic concentration).⁴

We are aware that Safegraph claims not to collect or process personal data from consumers in Europe. However, as our testing shows, Safegraph is processing data on individuals situated in Norway, and therefore the GDPR applies.

The consumer is not in a position to know how this information may be used or shared, and how to meaningfully be in control. As described in the report, consumers have no way to understand how their personal data is shared with third parties. In short, consumers expect that personal data stays between them and the apps that they use.

According to the Safegraph privacy policy, consumers may opt out of Safegraph tracking their location by using device-level settings.⁵ However, this would entail that the consumer is aware that Safegraph is collecting and using personal data.

² "Consumer organisations call to stop online advertising companies' massive surveillance practices infringing EU laws" https://www.beuc.eu/publications/beuc-x-2020-002_letter_to_executive_vice-president_vestager.pdf

³ "Rights Organizations Warn about Unlawful Data Exploitation in Popular Apps" <https://www.liberties.eu/en/news/7-eu-countries-warn-about-unlawful-data-exploitation-of-popular-apps/18864>

⁴ Safegraph privacy policy [accessed 05.05.2020] <https://www.safegraph.com/privacy-policy>

⁵ Ibid.



Under the GDPR, the processing of personal data requires a valid legal basis. As described in the legal analysis in chapter 8 of 'Out of Control', the collection, compilation and use of personal data for advertising and other commercial purposes is often impossible for consumers to understand, and therefore data controllers such as Safegraph cannot rely on consent for this processing.

Furthermore, the extent of tracking that we observed constitutes a major breach of the rights and freedoms of the individual data subject, which outweighs any legitimate interest Safegraph may claim to have to process this data for its own commercial purposes.

Therefore, we cannot see that Safegraph fulfils any of the relevant legal bases for the processing of personal data that we observed. We expect that Safegraph changes its practices to bring it into compliance with the GDPR, and delete any data that has been collected without a valid legal basis.

Please do not hesitate to get back to us if we have misunderstood anything about the practices of Safegraph.

This letter will also be forwarded to Datatilsynet, which is the relevant data protection authority investigating the issues highlighted in our report.

Best regards
The Norwegian Consumer Council

Inger Lise Blyverket
Director General

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This document is digitally validated and therefore has no signature.