

## Judge Refuses to Throw Out Gmail Email Privacy Case

September 12, 2016 - Last month, a federal judge refused to dismiss an email privacy lawsuit against Google. The case revolves around the company's policy of scanning both incoming and outgoing email messages to target advertising on the company's Gmail service.

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(function() {  
var s = document.createElement('SCRIPT'), s1 = document.getElementsByTagName('SCRIPT')[0];  
s.type = 'text/javascript';  
s.src = 'http://widgets.digg.com/buttons.js';  
s1.parentNode.insertBefore(s, s1);  
})();
```

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(function() {  
var po = document.createElement('script'); po.type = 'text/javascript'; po.async = true;  
po.src = 'https://apis.google.com/js/plusone.js';  
var s = document.getElementsByTagName('script')[0]; s.parentNode.insertBefore(po, s);  
})();
```

The case against the company was filed last year by a San Francisco Bay Area resident; Daniel Matera. In his suit, Matera stated that didn't use Gmail but business communications he was forced to communicate with people who do. He goes on to state that Google intercepts his email messages, scans them for content and then uses the information obtained in the scanning, targets the ads he sees. Google uses the information obtained in its email scans to sell targeted advertising.

Although users of Gmail have to agree to allow the company to scan email messages as described above in order to use the service, since Matera has never signed up for Gmail, he hasn't agreed. He is accusing the company of violating California state privacy laws and federal wiretapping laws.

While the ruling allows the lawsuit to move forward for the time being, there is still potential for a dismissal at some point since it may be impossible for the plaintiffs in the case to show that they were financially harmed by Google's actions. Google has already filed papers with the court making this argument stating that a dismissal for this reason would be consistent with US Supreme Court rulings.

The judge in the case has stated that she will issue a ruling on Google's latest attempt to dismiss the case sometime in the future.

by Jim Malmberg

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