Google To Face Privacy Lawsuit for Tracking Children Online - US Ninth Circuit Court of Appeals

January 9, 2023 - The US 9th Circuit Court of Appeals has revived a privacy lawsuit against Google for tracking children online without parental permission. The suit claims that Google violated the law by tracking the online habits of children to feed targeted advertising to them.

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The lawsuit was filed in federal court in 2019 using state laws from multiple states that allow individual plaintiffs to sue. But it was thrown out of court in July of 2021 when the court determined that the federal Children's Online Privacy Protection Act (COPPA) preempted those state laws. The Court of Appeals has now overturned that decision.

The panel of appeals court judges found that congress never intended to restrict state privacy laws when it voted for COPPA. Unlike many federal laws, COPPA does not contain a preemption clause, which would have made the state laws invalid. The decision was unanimous.

The case will now be moved back to the district court. No timetable has been set yet for hearing the case.
by Jim Malmberg
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