

Congress of the United States
Washington, DC 20515

July 20, 2022

Anil Mathews
Near Intelligence Holdings Inc
100 West Walnut Street, 4th Floor
Pasadena, CA 91124

Dear Anil Mathews,

We write to inquire about Near's treatment of location data and intentions to protect the privacy of individuals seeking to exercise their reproductive rights. The U.S Supreme Court's decision to overturn *Roe v Wade* has resulted in an onslaught of state laws that criminalize abortion.¹

According to an investigation conducted by the Markup, your company harvests, sells, or trades mobile phone location data.² Mobile phone location data can be used to track individuals who have visited abortion clinics or have left the state to seek care. Even in the case that this data is stripped of personally identifiable information, it can often be de-anonymized. According to the Electronic Frontier Foundation, "Data brokers sell rich profiles with more than enough information to link sensitive data to real people, even if the brokers don't include a legal name. In particular, there's no such thing as 'anonymous' location data. Data points like one's home or workplace are identifiers themselves, and a malicious observer can connect movements to these and other destinations."³

Data collected and sold by your company could be used by law enforcement and prosecutors in states with aggressive abortion restrictions. According to a report from Center for Democracy & Technology, law enforcement agencies leverage, "legal ambiguities to purchase data from brokers in an end-run around otherwise applicable legal requirements."⁴ Additionally, in states that empower vigilantes and private actors to sue abortion providers, this information can be used as part of judicial proceedings.

When consumers use apps on their phone and quickly tap "yes" on "use geolocation data" pop-ups, they should not be worried about the endless sale of their data to advertisers, individuals, or law enforcement. And it most certainly should not be used to hunt down, prosecute, and jail an

¹ *Abortion Policy in the Absence of Roe*, Guttmacher Institute, May 2022 at:

<https://www.guttmacher.org/state-policy/explore/abortion-policy-absence-roe>

² Keegan and Ng, *There's a Multibillion-Dollar Market for Your Phone's Location Data*, September 30, 2021 at:

<https://themarkup.org/privacy/2021/09/30/theres-a-multibillion-dollar-market-for-your-phones-location-data>

³ Gebhart, Gennie and Cyphers, Bennett, *Data Brokers are the Problem*, July 2021 at:

<https://www.eff.org/deeplinks/2021/07/data-brokers-are-problem>

⁴ Bradford Franklin, Sharon and Thakur, Dhanaraj, *New Report Documents How Law Enforcement & Intel Agencies Are Evading the Law and Buying Your Data from Brokers*, Center for Democracy & Technology, December 2021 at: <https://cdt.org/insights/new-cdt-report-documents-how-law-enforcement-intel-agencies-are-evading-the-law-andbuying-your-data-from-brokers/>.

individual seeking reproductive care. Companies can take action today to protect individual rights. For example, SageGraph recently stopped selling information related to visits to abortion clinics after a *Vice* journalist reported on the dangers.⁵

To that end, we request a response to the following by August 3, 2022

1. Has your company conducted a human rights impact assessment or other due diligence to identify and address human rights risks associated with collecting data that can be used to prosecute people seeking to exercise their reproductive rights? If so, have you taken any steps to prevent or mitigate those risks?
2. What steps, if any, has your company taken or is planning to take to protect the privacy rights of those seeking to exercise their reproductive rights in the specific context of the Supreme Court's vote to overturn *Roe v. Wade* and the ensuing criminalization of abortion in a number of states?
3. Has your company adopted any policies to restrict the sale and disclosure of data that could be used to prosecute or otherwise harass those seeking to exercise their reproductive rights to law enforcement or private actors? What steps do you take to enforce those policies?
4. Who is authorized or can be authorized to access the data you collect? Are there any limits on who can purchase or acquire access to data that can be used to prosecute people seeking to exercise their reproductive rights?
5. What additional measures, if any, have you taken to limit the ability of state or private actors to use the data you collect to prosecute or harass those seeking to exercise their reproductive rights?

Sincerely,

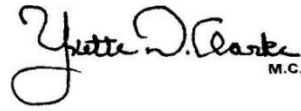


Lori Trahan
Member of Congress

⁵ Mangan, Dan, Data broker SafeGraph stops selling abortion-provider information, CNBC, May 2022 at: <https://www.cnbc.com/2022/05/04/data-broker-safe-graph-stops-selling-abortion-provider-information.html>



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