



Letitia James  
Office of the Attorney General  
28 Liberty Street, 16th Floor  
New York NY 10005

**Re: REQUEST TO INVESTIGATE GOOGLE'S PROMISE TO  
NOTIFY USERS BEFORE TURNING OVER DATA**

Dear Attorney General James,

I am a senior staff attorney at the Electronic Frontier Foundation, a nonprofit that defends digital rights. I write this on behalf of our client Amandla Thomas-Johnson. This is a request to open an investigation into Google for deceptive trade practices.

For nearly a decade, Google has promised billions of users that it will notify them before disclosing their personal data to law enforcement. Many times, the company does just that. However, in April 2025, Google broke that promise to Amandla Thomas-Johnson, a PhD candidate who was studying in the United States at Cornell University on a student visa. And through a hidden but systematic practice, Google has likely violated that promise numerous other times over the years. In particular, we have learned that Google sometimes breaks its promise to users in order to save time and avoid delay in complying with a government demand.

Google's broken promise deprives users of their right to challenge overbroad or unlawful government demands on their own behalf. This issue has taken on increased urgency as federal agencies including Immigration and Customs Enforcement (ICE) have issued a series of lawless subpoenas to technology companies about users engaged in First Amendment protected activity.<sup>1</sup> That is what happened to Thomas-Johnson.

Google should commit to ending this deception and pay for its past mistakes. Going forward, Google must follow its long-standing promise that "When we receive a request from a government agency, we send an email to the user account before disclosing information."

Under New York law, the attorney general is empowered to seek injunctive relief to stop deceptive business practices and seek financial restitution stemming from those practices. N.Y. Gen. Bus. Law § 349(b)(1). *Oswego Laborers' Loc. 214 Pension Fund v. Marine Midland Bank, N.A.*, 85 N.Y.2d 20, 25, 647 N.E.2d 741, 744 (1995).

---

<sup>1</sup> Sheera Frenkel and Mike Isaac, *Homeland Security Wants Social Media Sites to Expose Anti-ICE Accounts*, New York Times (Feb. 13, 2026), <https://www.nytimes.com/2026/02/13/technology/dhs-anti-ice-social-media.html>.

## **Google Promises to Give Users Notice Before Turning Their Data Over to Law Enforcement.**

Google, along with its parent company Alphabet, is a California-based technology company that offers numerous products and services, including YouTube and Gmail. Those services have around two billion users.<sup>2</sup> Google receives thousands of legal demands for user data every year from law enforcement and others. For example, it received 28,622 subpoenas for user data in the first half of 2025.<sup>3</sup>

On Google's Privacy & Terms page, it promises its users that "When we receive a request from a government agency, we send an email to the user account before disclosing information."<sup>4</sup> There are a handful of exceptions in Google's policy that do not apply here, including if the user's account is managed by an organization; if Google receives a gag order from a court; if the account has been disabled or hijacked; or if there is an emergency involving child safety or threats to life.<sup>5</sup>

This promise ensures that users can protect their own privacy and decide to challenge overbroad or illegal demands on their own behalf. In fact, this is the explicit reason why Google promises to provide advanced notice. For example, when Google correctly provides advanced notice to users, it typically states: "No action is required from you. However, you may wish to challenge the legal demand in court by filing a motion to quash."<sup>6</sup>

Google's promise has existed on the same webpage since at least 2020, according to the Internet Archive. And Google has made a similar promise to its users going back to 2017, according to EFF's Who Has Your Back Report.<sup>7</sup>

---

<sup>2</sup> Alphabet Inc, Form 10-K, pg 5 (Feb. 4, 2025), <https://www.sec.gov/Archives/edgar/data/1652044/000165204425000014/goog-20241231.htm>.

<sup>3</sup> Google, Transparency Report, <https://transparencyreport.google.com/user-data/overview>.

<sup>4</sup> Google, Privacy & Terms, *How Google handles government requests for user information*, <https://policies.google.com/terms/information-requests>.

<sup>5</sup> ICE's subpoena to Google targeting Thomas-Johnson targeted his personal email account; no court-issued gag order was attached; and the investigation did not involve child safety or threats to life. *See* Exhibit 1.

<sup>6</sup> *See* 5:26-mc-8002, ECF No. 1-10, Ex. C (N.D. Cal Feb 2, 2026) (exemplar of Google's "User notice for release of information"), <https://assets.aclu.org/live/uploads/2026/02/10.pdf>.

<sup>7</sup> EFF, Who Has Your Back? Government Data Requests 2017, <https://www.eff.org/who-has-your-back-2017>.

### **Google Broke Its Promise to Amandla Thomas-Johnson.**

Amandla Thomas-Johnson is a British citizen and PhD student at Cornell University, who studied in the United States on a student visa until he left the country in April 2025. During the relevant period, he used a personal Gmail account.

On April 1, 2025, ICE sent Google an administrative subpoena seeking Thomas-Johnson's basic subscriber information, including name, address, IP address, and other personal identifiers.<sup>8</sup> ICE set an artificial deadline of 10 days for Google to comply with the subpoena. ICE likely targeted Thomas-Johnson because he briefly attended a pro-Palestinian protest the year before.<sup>9</sup>

For over a month, Google did not comply with the subpoena. During that time, Google also failed to tell Thomas-Johnson that ICE was seeking his data. While ICE "requested" that Google not notify Thomas-Johnson, the request was not enforceable or mandated by a court.

On May 8, 2025, Google complied with ICE's subpoena, disclosing Thomas-Johnson's information to ICE without providing him advanced notice or the opportunity to challenge it.

On that same day following disclosure to ICE, Google notified Thomas-Johnson that it had already complied with the subpoena.<sup>10</sup> The notification read: "Google has received and responded to legal process from a Law Enforcement authority compelling the release of information related to your Google Account." Google sent this notification from a "no reply" email address. Google also did not give Thomas-Johnson a copy of the subpoena. Instead, it directed him to contact ICE directly if he wanted a copy.

By breaking its promise to Thomas-Johnson, Google effectively prevented him from challenging ICE's invalid subpoena and keeping his data out of the hands of the federal government. Thomas-Johnson would have challenged the subpoena if he was given advanced notice, and he would have been successful. There are numerous reasons for this. First, numerous other individuals have challenged recent administrative subpoenas in court after receiving notice, and the Department of Homeland Security has

---

<sup>8</sup> See Exhibit 1.

<sup>9</sup> Amandla Thomas-Johnson, *I had to flee the US – as a foreign, Black, pro-Palestinian activist, I tick every box on Ice's list*, The Guardian (Oct. 5, 2025), <https://www.theguardian.com/commentisfree/2025/oct/05/palestinian-foreigners-protests-campus-ai-ice-trump-us-migrant>.

<sup>10</sup> Exhibit 2.

withdrawn those subpoenas before reaching a court decision.<sup>11</sup> Second, there are facial deficiencies in the subpoena, including that the subpoena is missing a “Title of Proceeding.” Finally, the ICE subpoena unconstitutionally targeted Thomas-Johnson for engaging in First Amendment activity by attending a protest. *See Am. Ass’n of Univ. Professors v. Rubio*, 802 F. Supp. 3d 120, 193 (D. Mass. 2025) (“We are not, and we must not become, a nation that imprisons and deports people because we are afraid of what they have to tell us.”).

### **Google Systematically Breaks Its Promise to Some Other Users.**

On November 19, 2025, after Thomas-Johnson retained legal counsel, Google provided him with a copy of the subpoena.

On November 20, 2025, Google, through outside counsel, explained to the undersigned why Google did not give Thomas-Johnson advanced notice as promised. Google’s explanation shows the problem is systematic: Sometimes when Google does not fulfill a subpoena by the government’s artificial deadline, Google fulfills the subpoena and provides notice to a user on the same day to minimize delay for an overdue production. Google calls this “simultaneous notice.” But this kind of simultaneous notice strips users of their ability to challenge the validity of the subpoena before it is fulfilled.

It is unclear how often Google breaks its promise to users through its systematic practice of providing users with simultaneous notice, rather than advanced notice. However, even if Google did this in only 1 percent of cases, that would mean that Google could break its promise to more than 500 users a year.

We ask that you investigate Google’s promise to give users advanced notice of law enforcement demands and take appropriate action if necessary. We are here to assist you. Please reach out with any questions ([mario@eff.org](mailto:mario@eff.org)).

April 14, 2026

Sincerely,

F. Mario Trujillo  
Staff Attorney  
Electronic Frontier Foundation  
[mario@eff.org](mailto:mario@eff.org)

---

<sup>11</sup> EFF, Open Letter to Tech Companies (Feb. 10, 2026), <https://www.eff.org/deeplinks/2026/02/open-letter-tech-companies-protect-your-users-lawless-dhs-subpoenas>.