

EXHIBIT A-13

8/26/2022

Cat Brooks and Rasheed Shabazz, et al. v. Thomson Reuters Corp.
Confidential

Joseph Turow, Ph.D.

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

CAT BROOKS and RASHEED	)	
SHABAZZ, individually and	)	
on behalf of all others	)	
similarly situated,	)	
	)	Case No.
Plaintiffs,	)	3:21-cv-01418-EMC
	)	
-vs-	)	
	)	
THOMSON REUTERS	)	
CORPORATION,	)	
	)	
Defendant.	)	
	)	

****CONFIDENTIAL****
VIDEOTAPED DEPOSITION
TAKEN REMOTELY VIA VIDEOCONFERENCE
OF
JOSEPH TUROW, PH.D.
AUGUST 26, 2022
11:03 A.M.

REPORTED BY:
DEBRA SAPIO LYONS, RDR, CRR, CRC, CCR, CLR, CPE

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1 August 26, 2022

2 Videotaped deposition, taken remotely via
3 videoconference, of Joseph Turow, Ph.D., reported
4 remotely via Zoom Videoconference by Debra Sapio
5 Lyons, a Registered Diplomat Reporter, a Certified
6 Realtime Reporter, a Certified Realtime Captioner,
7 a Certified LiveNote Reporter, an Approved Reporter
8 of the United States District Court for the Eastern
9 District of Pennsylvania, a Certified Court
10 Reporter of the State of New Jersey, a Notary
11 Public of the States of New Jersey, Delaware and
12 the Commonwealth of Pennsylvania.

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1 would go into Google's marketplace and I would bid
2 to reach -- I would ask to reach certain X number
3 of types of people and Google would charge me for
4 it. And it would all be done electronically.

5 There would be no individual agents, people
6 involved in the process. It is a totally
7 electronic version of this kind of activity.

8 This is not the only way that it
9 happens. And, in fact, it is -- but the computer
10 has become the vehicle through which marketers are
11 reaching out to their audiences.

12 Q. And how is the new advertising industry
13 defining your identity and your world?

14 A. Well, in the sense that by -- there --
15 there has been an increasing ability to -- to
16 connect huge numbers of data points about people
17 and by doing that personas get created which then
18 define people's identity.

19 I'm being defined when an advertiser --
20 whether while I walk through a supermarket or when
21 I'm going on line, if an advertiser connects a
22 whole variety of dots and makes some presumptions

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1 about me, for example, then I -- I am defined in
2 that way. And to that extent, I see certain ideas
3 about the world, certain ads that are sent to me,
4 certain discounts that are sent to me that are not
5 sent to other people because of that.

6 Q. And is this a common practice?

7 A. It happens every minute. It's
8 happening as we speak.

9 Q. By how many companies?

10 A. Millions.

11 Q. And this interferes with people's right
12 to control their information?

13 A. Yes, it does.

14 Q. And it violates their right to be let
15 alone?

16 A. Yes, it does.

17 Q. Just a couple more. Niche Envy:
18 Marketing Discrimination in a [sic] Digital Age.

19 What's this one about?

20 A. That's more about the -- the rise of
21 target marketing.

22 Q. What is target marketing?

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1 A. Target marketing is the -- the
2 beginnings of what I talked about with respect to
3 The Daily You. It's the -- the beginnings of
4 trying to see society as not large chunks of
5 people, but rather particular types of people who
6 might be reached in very specific ways.

7 Q. In order to sell them products or
8 services?

9 A. Or other things, yes. Or sell them to
10 other companies, yes.

11 Q. Marketing discrimination in the digital
12 world, what does "marketing discrimination" mean in
13 this context?

14 A. It has two meanings. One is marketers
15 are literally discriminating among individuals
16 through this activity and the other is prejudicial
17 discrimination can take place. People can be --
18 meet prejudice based upon the way marketers choose
19 to link their data and -- and relate to them.

20 Q. Can you give me an example of that?

21 A. Sure. If you're tagged as somebody
22 who's low income and maybe involved in criminal

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1 activity, you're not likely to get the discounts
2 that I'm likely to get.

3 Q. And this -- is it fair to say that this
4 activity -- well, let me back up a step.

5 How common is this now?

6 A. With some -- some caveats, very common.

7 Q. What do you mean by "very common"?

8 A. This happens every day, all the time.

9 Q. And it violates people's right to
10 control their information?

11 A. It has that implication, yes.

12 Q. And it violates their right to be let
13 alone?

14 A. Uh-huh. Yes.

15 Q. And so all of these books describe how
16 retailers, marketers, advertisers violate people's
17 right to control their information and to be let
18 alone; correct?

19 A. They -- in -- in sequence, they -- they
20 describe a trajectory of -- of -- a historical
21 trajectory that moves in that direction, yes.

22 Q. You -- okay. Last -- last question and

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1 we can take a quick break.

2 Page 2, second paragraph mentions
3 nine -- it's about -- it's -- it's the first full
4 paragraph, about four lines down --

5 A. Uh-huh.

6 Q. -- that references the nine major
7 national surveys that you testified to earlier in
8 your deposition.

9 These are national surveys of the
10 American public?

11 A. Yes, they are.

12 Q. Why survey the American public?

13 A. Why not?

14 Q. What is the value of a survey?

15 A. The value of a survey is to find out
16 what people think and what they know with respect
17 to a particular topic.

18 Q. I see. Let's nail down these surveys
19 and relate them, if we can, to your work in this
20 case.

21 First question is: Are your opinions
22 in this case based on the results of any of these

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1 surveys?

2 A. I'd say yes.

3 Q. How so?

4 A. We have found consistently that
5 Americans -- and not just we, other companies as
6 well, organizations, that Americans really do want
7 to control, in huge percentages, want to control
8 the data that companies have about them.

9 MS. ZEMAN: Ms. Fahringer --

10 MS. FAHRINGER: Yes.

11 MS. ZEMAN: -- you had said that we
12 would take a break after talking about the
13 books. Are we about to take that break?

14 MS. FAHRINGER: No, not yet. We're
15 just in the middle of a line of questioning.
16 Hold on one question -- one -- one moment.

17 BY MS. FAHRINGER:

18 Q. Professor Turow, is it fair to say that
19 Americans also believe a loss of control has
20 already happened?

21 A. Many do, yes.

22 Q. When you say "many do," do you mean

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1 many Americans do feel that they have already lost

2 control of their information?

3 A. Their ability to control their

4 information. They have lost the ability to control

5 their information.

6 Q. These -- couple more questions on the
7 surveys and then we will take a break.

8 Did these surveys, these nine surveys
9 you conducted, did they regard the CLEAR platform?

10 A. No.

11 Q. I see. Did they concern Thomson
12 Reuters?

13 A. No.

14 Q. Did they concern a product or platform
15 that was similar to CLEAR?

16 A. Not -- not similar to CLEAR, no.

17 Q. Okay. And final few questions.

18 You didn't -- just for clarity, you
19 didn't conduct a survey in connection with your
20 engagement in this case; correct?

21 A. Correct.

22 Q. You didn't survey consumers or the

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1 American public or California residents in
2 connection with this case; correct?

3 A. Correct.

4 Q. And do you have any plans to conduct
5 such a survey?

6 A. I have no plans.

7 Q. Why not?

8 A. For the particular opinion I was asked
9 to make I don't think that's necessary.

10 Q. Why not?

11 A. There -- the -- it is so clear what
12 CLEAR is doing that the harm of -- the privacy
13 harms that it is creating among Californians is --
14 is not at issue here in my mind. They -- the
15 company is clearly harming Californians by taking
16 away their ability to control their information,
17 not even really telling them about what's going on,
18 and offering their data to other companies without
19 serious recourse.

20 Q. Thank you, Professor Turow.

21 MS. FAHRINGER: We are ready for the
22 break now.

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1 THE WITNESS: Okay.

2 MS. FAHRINGER: And shall we -- what's
3 your -- we can go off the record now.

4 THE VIDEOGRAPHER: All right. The time
5 is 12:14 -- 12:14 p.m. Off the record.

6 (A recess is held from 12:14 p.m. to
7 12:22 p.m.)

8 THE VIDEOGRAPHER: We are back on the
9 record. The time is 12:22 p.m.

10 BY MS. FAHRINGER:

11 Q. Professor Turow, you co-authored a
12 working paper entitled The Trade Off Fallacy: How
13 Marketers Are Misrepresenting American Consumers
14 and Opening Them Up to Exploitation.

15 That's cited in your report. Do you
16 recall that?

17 A. Oh, yeah.

18 Q. And this cites an empirical survey that
19 you conducted; right?

20 A. Yes.

21 Q. What was the purpose of that survey?

22 A. Well, marketers have historically

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1 talked about the idea that the public gives --
2 there's something that's been called a paradox, a
3 privacy paradox, and we were trying to see if that
4 were the case.

5 The privacy paradox is that -- that
6 people will give over their information because --
7 because they're getting something in return from
8 certain marketers. Not all marketers, but certain
9 marketers.

10 And we hypothesized that it was
11 something different from that. That it was that
12 people actually were resigned to their data being
13 taken. Not that they liked it by any means. And,
14 in fact, we show that that's the case.

15 And this -- this idea of resignation
16 has been picked up. It's -- it's probably one of
17 my most cited ideas. Others have replicated it as
18 far as I can tell.

19 Q. And this -- this is a survey that you
20 conducted; correct?

21 A. Yes, it is.

22 Q. And this is -- is this the survey where

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1 you concluded that more than half of Americans
2 believed they have already lost control of their
3 information?

4 A. Yes.

5 Q. At what point did this loss of control
6 happen?

7 Was that when the consumer interacted
8 with a marketer or advertiser? At what point?

9 A. It's hard for me to say.

10 Q. Why?

11 A. I -- because it's a historical process.
12 This is not something that happens to the
13 individual. And you notice that while we said more
14 than half, we also said that the huge proportions
15 of Americans say they want to control information
16 that companies have about them.

17 Q. So your testimony, I'm reading -- I'm
18 reading the transcript right now.

19 The question is: "At what point did
20 the loss of control happen?"

21 The answer was: "It's hard for me to
22 say."

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1 Can you be any more specific about --
2 for an individual, on an individual level, can you
3 identify when a loss of control of their
4 information happens?

5 A. I'm not sure I understand the question.

6 Q. Okay. Is there a point where someone
7 has control of their information?

8 A. That would vary. And we're not talking
9 about an individual here. We're talking about a
10 societal dynamic.

11 Q. Right. But the survey was of
12 individuals; right?

13 A. But the conclusions had to do with the
14 larger society.

15 Q. Well, let's pull up your survey.

16 MS. FAHRINGER: Tab O. This will be
17 Exhibit 2.

18 (Exhibit 2, multipage document titled
19 The Tradeoff Fallacy - How Marketers Are
20 Misrepresenting American Consumers and
21 Opening Them up to Exploitation, is marked
22 for identification.)

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1 MS. FAHRINGER: If the videographer can
2 pull that up.

3 BY MS. FAHRINGER:

4 Q. Professor Turow, is this the paper that
5 you co-authored that refers to the survey we were
6 just discussing?

7 A. Yes.

8 Q. And I'm going to ask you to turn to --
9 well, just a quick overview.

10 Is it fair to say that your findings --
11 that the study revealed that more than half of
12 Americans don't want to lose control over their
13 information but also believe this loss of control
14 has already happened?

15 A. Those two points together, yes.

16 Q. Yes. And this was the view of the
17 individual people who responded -- who were the
18 subjects of your survey; correct?

19 A. Yes.

20 Q. Did this survey draw any conclusions
21 about when they believed the loss of control had
22 happened?

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1 A. No.

2 Q. I see. Do you have any -- any basis to
3 draw a conclusion one way or another as to when
4 Americans believe they lost control of their
5 information?

6 MS. ZEMAN: Objection, vague and
7 ambiguous.

8 THE WITNESS: It's a very difficult
9 question; and I guess the answer is no, the
10 way you phrased it.

11 BY MS. FAHRINGER:

12 Q. Why is it a difficult question?

13 A. To answer that question would require
14 some fascinating important historical
15 understandings. It's not something that one can go
16 to a family and say, "When did you lose control of
17 your information?" It's not as simple as that.

18 Q. Why not?

19 A. Because the -- while the unit of
20 analysis here in terms of survey is the individual,
21 people live in a society and -- and things happen
22 not just because of them, but because of what's

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1 happening around them.

2 Q. I think I see. So would it vary based
3 on the person?

4 A. It might.

5 Q. Why? Can you give me some examples of
6 that?

7 A. Some people may have been introduced to
8 the internet later than other people and have
9 understood that -- or understood digital media
10 differently. It just depends.

11 But we're getting into the individual
12 level of analysis here. And the larger point of
13 that paper is not really about the individual.
14 It's about the larger society and where it's going.

15 Q. I'm now going to switch to another
16 piece you wrote, which -- so we're done -- we're
17 done with this exhibit.

18 MS. FAHRINGER: We're going to move to
19 another one, which is going to be, for the
20 court reporter's benefit, it's Tab Y as in
21 yes. And this will be Exhibit 3.

22 (Exhibit 3, multipage document titled

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1 Let's Retire the Phrase 'Privacy Policy' is
2 marked for identification.)

3 BY MS. FAHRINGER:

4 Q. So, Professor Turow, we'll pull that
5 one up. And this one you might need to download
6 this in order to read it a little more carefully,
7 but you -- take your time, familiarize yourself
8 with that document and let me know if you recognize
9 this as a op-ed piece that you wrote for the New
10 York Times.

11 A. Yes, I do.

12 Q. You do. So you wrote this opinion
13 piece for the New York Times on August 20th -- or
14 rather, it was published August 20th, 2018?

15 A. Okay.

16 Q. Well, you say "Okay." I'm not asking
17 you to agree with me.

18 I'm saying, is this, in fact, the piece
19 you wrote?

20 A. This is the piece. I can't read the
21 date, but I'll take your word for the date, yes.

22 Q. All right. Well, I will -- I will

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1 actually represent to you that the date on this is
2 October [sic] 20th, 2018.

3 MS. FAHRINGER: And if the videographer
4 can zoom in to that point right above that
5 image.

6 There we go.

7 THE WITNESS: Yes.

8 BY MS. FAHRINGER:

9 Q. August 20th, 2018. And this is, in
10 fact, your -- this reflects your opinion I take it?

11 A. Yes, it does.

12 Q. And that opinion was based on your
13 expertise and experience, the same expertise and
14 experience you're relying on in this case?

15 A. It's related to my expertise and
16 experience.

17 Q. And is it your view that it is lawful
18 and, in fact, common for websites to trade most
19 types of information about us without asking?

20 A. That's a complicated question the way
21 you're asking it.

22 The answer is -- relates to privacy

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1 policies.

2 Q. So is it true that it is lawful and
3 common for websites to trade most types of
4 information about us without asking?

5 A. Yes.

6 Q. And does that diminish a person's right
7 to control their information?

8 A. It does.

9 Q. And also it diminishes a person's right
10 to be let alone?

11 A. By extension.

12 Q. And how does it do that?

13 A. Presumably some companies would use
14 their data to create problems for individuals, in
15 terms of the ways in which those people are -- are
16 advertised to or otherwise discriminated against in
17 certain -- certain ways that could cause trouble,
18 yes.

19 Q. So take, for example, a website's
20 privacy policy that allows third-party companies to
21 collect certain information when you visit our
22 websites or use our mobile applications which allow

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1 applicable law in this case requires a court to
2 weigh the harm to Californians against the utility
3 of the challenged business practice?

4 A. I understand that.

5 Q. Are you offering any opinion in this
6 case with respect to weighing the harm to
7 Californians against the utility of the Thomson
8 Reuters practices that are at issue here?

9 A. No.

10 Q. So your methodology doesn't undertake
11 that balancing exercise I take it?

12 A. I have not been asked to do that.

13 Q. Okay. A couple more questions and then
14 we can take a break.

15 Your -- I think you -- apologies if
16 you've answered this before, but just to make sure,
17 does your opinion purport to measure or quantify
18 any of the benefits of CLEAR?

19 MS. ZEMAN: Objection, asked and
20 answered.

21 THE WITNESS: No.

22 BY MS. FAHRINGER:

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1 Q. Does your opinion offer any methodology
2 to determine whether any particular person benefits
3 from CLEAR?

4 A. That's not what I was asked to do.

5 Q. That's what I thought, but I'm just
6 making sure.

7 So your methodology -- your opinion
8 doesn't offer any methodology to determine whether
9 any particular person benefits from CLEAR; correct?

10 MS. ZEMAN: Objection, asked and
11 answered.

12 THE WITNESS: Correct.

13 BY MS. FAHRINGER:

14 Q. All right. Your opinion doesn't
15 purport to measure or quantify any utility of
16 CLEAR; correct?

17 A. I'm not measuring, quantifying any of
18 that.

19 Q. Understood. I'm just -- I'm just
20 making sure that we've got -- before we go more
21 deeply into your report, I want to make sure what
22 we're going to be talking about.

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1 A. Sure.

2 Q. So just for clarity, I want to make
3 sure that your opinion -- I think you answered this
4 but just confirm it, your opinion doesn't purport
5 to measure or quantify any utility of CLEAR;
6 correct?

7 MS. ZEMAN: Objection, asked and
8 answered.

9 THE WITNESS: Correct.

10 BY MS. FAHRINGER:

11 Q. And your opinion doesn't offer any
12 methodology to determine whether CLEAR has utility
13 for any particular person; correct?

14 MS. ZEMAN: Objection, asked and
15 answered.

16 THE WITNESS: Correct.

17 BY MS. FAHRINGER:

18 Q. Okay. You're not purporting to offer
19 an opinion as to balancing utility of Thomson
20 Reuters' conduct in this case against the harm you
21 consider to be caused by CLEAR; correct?

22 A. That's not what I was asked to do.

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1 I was looking for the citation where
2 your opinion discusses the California ballot
3 Proposition 11.

4 A. Yes.

5 Q. Okay. Anywhere else in your report
6 where you discuss consumer preferences than those
7 two locations?

8 A. Those are the specific areas.

9 Q. All right. Now, I'm going to change
10 the focus to the word "valuation," consumer
11 valuations with respect to privacy.

12 Does your opinion in this case address
13 consumers' valuations of privacy?

14 A. What --

15 MS. ZEMAN: Objection, vague,
16 ambiguous.

17 THE WITNESS: Yeah. What do you mean
18 by valuations?

19 BY MS. FAHRINGER:

20 Q. How consumers value it, the value they
21 place on it.

22 A. The -- not in a quantitative way, but

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1 the very idea that people say they want to control
2 their information is evidence that they value
3 their -- the control of their information.

4 Q. I understand. That -- great.

5 The question is whether there's any
6 discussion -- I don't think there is, but the
7 question is whether there's any discussion in your
8 mind, in your report, and in your opinion in this
9 case with respect to consumer valuations of
10 privacy.

11 MS. ZEMAN: Objection to form.

12 THE WITNESS: I -- I think you're
13 trying to make a distinction that's not
14 clear.

15 BY MS. FAHRINGER:

16 Q. What is that?

17 A. You -- I'm not sure what you mean by
18 consumers' valuation of their privacy.

19 Q. Yeah. I'll define that.

20 What I mean by that is how much value
21 they place -- a consumer places on the consumer's
22 privacy.

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1 I don't think your report -- I think
2 you've testified that your report doesn't purport
3 to quantify that value in any way with respect to
4 any consumer, but I don't want to be wrong in that
5 assumption.

6 A. Uh-huh.

7 Q. So is that correct or not?

8 MS. ZEMAN: Objection, vague and
9 ambiguous.

10 THE WITNESS: It -- earlier, I said
11 that I'm not quantifying the -- the amount of
12 harm that Californians have. We didn't talk
13 about valuation of privacy.

14 BY MS. FAHRINGER:

15 Q. Okay.

16 A. It's a really complicated position and
17 there's nothing in what I wrote about that
18 discusses that. It's not part of the case that I
19 was asked to talk about.

20 Q. I understand. I wanted to make sure,
21 but now I understand. Thank you.

22 And just to recap, your report in this

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1 BY MS. FAHRINGER:

2 Q. Yes, let's go back to Page 5. Are you
3 there?

4 A. I don't think that Henry has gotten
5 there yet. I'm at Page 5 in my hard copy.

6 Q. Okay. Terrific. In the first --

7 THE VIDEOGRAPHER: So this is -- sorry.
8 This is Page 5 up.

9 THE WITNESS: Amy, there's only one
10 here. I don't know -- no, on the -- I'm
11 afraid to touch your computer. Sorry.

12 Okay. We got it. Sorry. Good.
13 Something glitched.

14 MS. ZEMAN: Just lost the Zoom page for
15 him.

16 THE WITNESS: But all right. So here
17 we are. I see it.

18 Thank you, Henry.

19 BY MS. FAHRINGER:

20 Q. In the first full paragraph at Page 5,
21 you state, "In my opinion, Thomson Reuters'
22 operation of the CLEAR product affects privacy

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1 interests of Californians-the right to control
2 personal information and to be let alone-in such a
3 way that all Californians whose information is
4 accessible through CLEAR are harmed."

5 Did I read that correctly?

6 A. Yes, ma'am.

7 Q. What is it about the operation of the
8 CLEAR platform that causes this harm?

9 A. The CLEAR platform does not allow
10 Californians to control their information and --
11 and it also provides other companies under certain
12 circumstances with the ability to get people's
13 information. So in -- there's a lack -- a loss of
14 control that is quite clear and quite problematical
15 which is a privacy harm.

16 There's also the economic privacy harm
17 which is the idea that people should have the right
18 to use their data for economic purposes if -- if
19 they -- if they so please and -- and CLEAR is
20 taking that right away from them without
21 permission.

22 I mean, they're a bad actor is what it

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1 comes down to.

2 Q. When you refer to the operation of the
3 CLEAR platform and when you refer to information
4 about people in the CLEAR platform, is it -- are
5 you referring to all information that the CLEAR
6 platform has about a person?

7 A. Yes.

8 Q. Regardless of its source?

9 A. Yes.

10 Q. Regardless of whether that information
11 is publicly available?

12 A. Yes.

13 Q. Regardless of whether it was supplied
14 by a putative class member to a third party?

15 A. Oh, yes.

16 Q. And with -- with -- without regard to
17 whether that class member has any actual objection
18 to the information being made available in CLEAR?

19 MS. ZEMAN: Objection, vague and
20 ambiguous.

21 THE WITNESS: The issue is not an
22 individual class member. The issue is the

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1 to pin the notion of opinion on me for a factual
2 activity, but the larger issue is that Californians
3 do not have the ability to control the information
4 that CLEAR has about it and that CLEAR gives access
5 to other companies.

6 Q. I think you just answered my question.
7 I think you just added another step which is
8 terrific. We can talk about that as well.

9 And I'm going to make that the fifth
10 step which is without affording Californians the
11 ability to control whether or not CLEAR does that?

12 Is that a fair summary of what you just
13 said?

14 A. Without affording Californians the
15 ability to control the information that CLEAR uses.
16 They don't have any choice and knowledge frankly
17 about what CLEAR is doing and that CLEAR is taking
18 their data. They simply don't.

19 Q. And that's what I'm trying to make sure
20 I'm understanding about your criticism of CLEAR.

21 It is that it's without affording
22 Californians the ability to control the information

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1 that CLEAR uses?

2 A. Takes.

3 MS. ZEMAN: Objection, misstates
4 testimony.

5 THE WITNESS: Not uses. Takes.

6 BY MS. FAHRINGER:

7 Q. Okay. That CLEAR takes.

8 So without affording Californians the
9 ability to control the information that CLEAR
10 takes; is that --

11 A. Yes --

12 THE REPORTER: I didn't hear the end of
13 your answer.

14 THE WITNESS: I'm sorry. I said yes,
15 it's about what Californians take -- what
16 CLEAR takes about Californians.

17 BY MS. FAHRINGER:

18 Q. So for clarity, it's without affording
19 Californians the ability to control what data
20 Thomson Reuters aggregates about people; is that
21 fair?

22 A. Takes about people.

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1 MS. ZEMAN: Objection, vague and
2 ambiguous.

3 Give me a moment --

4 THE WITNESS: Sorry.

5 MS. ZEMAN: -- to put the objections on
6 the record.

7 THE WITNESS: It's -- it's about
8 what -- what -- it's about the information
9 that -- Californians do not have control over
10 the information that -- what Thomson Reuters
11 takes about them.

12 BY MS. FAHRINGER:

13 Q. When does CLEAR take that information
14 from Californians?

15 A. When it licenses databases, when it
16 uses public databases, when it collects its own
17 information.

18 Q. Okay. And is this then in the first
19 step, this step of aggregating data about people?

20 A. It's involved in that first step, yes.

21 Q. Okay. And that was my -- that was what
22 I was just making sure I understood. What your

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1 criticism is, is that at the very outset, at the
2 point at which CLEAR collects or aggregates data
3 about people, at that point, CLEAR -- your
4 criticism of CLEAR is that it doesn't afford
5 Californians the ability to control what
6 information Thomson Reuters collects about them; is
7 that correct?

8 A. Yes.

9 Q. Okay.

10 A. And that's a privacy harm.

11 Q. And that's a privacy harm. I under --
12 and that -- and for clarity, that privacy harm is a
13 harm to people's right to control their
14 information; correct?

15 A. Yes.

16 Q. And their right to be let alone; is
17 that correct?

18 A. Yes.

19 Q. All right. And that that privacy harm
20 is suffered by people at the point at which Thomson
21 Reuters aggregates or collects those people's data;
22 is that correct?

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1 A. Yes.

2 Q. Okay. And so that's when that privacy
3 harm is suffered by -- by Californians; correct?

4 A. Yes.

5 Q. If Thomson Reuters stopped at that
6 point without connecting the bits of information or
7 sharing it or selling the information, if Thomson
8 Reuters merely aggregated the data, collected the
9 data about people, would that privacy harm still
10 exist?

11 A. Yes.

12 MS. ZEMAN: Objection, incomplete
13 hypothetical.

14 BY MS. FAHRINGER:

15 Q. Okay. And it is that privacy -- I'm
16 sorry. I thought you said something,
17 Professor Turow. Did --

18 A. No.

19 Q. Okay. You might need to get just a
20 little bit closer to the microphone. You're
21 cutting out --

22 A. Sure.

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1 Let's talk about the privacy harms and
2 just make sure we've got your -- that I understand
3 what your opinion is on privacy harm.

4 So for clarity, the privacy harm you
5 identify in your report, I believe you testified
6 earlier that it is -- and it is, in fact, in your
7 report -- this is a violation of the right to
8 control one's information and to be let alone; is
9 that correct?

10 A. Yes.

11 Q. All right. And you also testified that
12 you're not rendering a legal opinion in this case.

13 So what is the nature of the rights you
14 are talking about in your report? Are they legal
15 rights? Moral rights? Psychological rights?

16 What -- what type of right are you
17 talking about?

18 A. I would characterize them as ethical
19 and social.

20 Q. An ethical or social right?

21 A. And social.

22 Q. And social right. An ethical and

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1 social right?

2 A. Yes.

3 Q. Okay. And you testified all right to a
4 number of examples that -- a number of examples
5 where people's right to control their information
6 is diminished; correct?

7 A. Yes.

8 Q. Can you give me just a recap at a high
9 level of what -- what are some of those examples?

10 A. I can do that.

11 Q. Thank you. Please do.

12 A. The -- I talked about various companies
13 that diminish the ability of a person to control
14 her or his information.

15 Q. And the companies you testified to
16 earlier that diminish that right included companies
17 like Google and WarnerMedia.

18 Is that the testimony you're referring
19 to?

20 A. I was talking about Google and -- in
21 some cases, and FaceBook and WarnerMedia I
22 mentioned as -- as a company that is in the

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1 A. Well, my opinion in the case relates to
2 the larger problem of Californians losing the right
3 to control their -- the information about them and
4 the -- the privacy harm that that creates.

5 If you want to talk about other privacy
6 harms, that's your prerogative. But this is the
7 mandate that I had for this report.

8 Q. I understand. And my question is quite
9 a simple one. It's whether or not your opinion in
10 this case -- whether you -- whether or not you are
11 offering an opinion in this case with respect to
12 whether anyone suffered financial consequences as
13 the result of the CLEAR platform.

14 Do you understand?

15 MS. ZEMAN: Objection, asked and
16 answered.

17 THE WITNESS: I'm not offering an
18 opinion in this report.

19 BY MS. FAHRINGER:

20 Q. Or in this case; correct?

21 A. If you want to equate the case with the
22 report, that's fine.

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1 Q. Well, you have done that,
2 Professor Turow, have you not, when you told me
3 that the report encapsulates your opinions in this
4 case?

5 A. To the extent that you just said that,
6 the answer is yes.

7 Q. Are your opinions in this case -- do
8 you have opinions in this case that are not
9 reflected in your report?

10 A. I --

11 Q. If so, what are they?

12 A. My opinions relate to the contents of
13 this report for the purposes of this case, yes.

14 Q. All right. So your opinions in this
15 case are limited to what you set forth in your
16 report; is that fair?

17 A. For the purposes of this case, yes.

18 Q. Okay. Next question.

19 Are you offering an opinion in this
20 case that any person suffered a loss of any
21 property as the result of the CLEAR platform?

22 A. I am not for this case.

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1 Q. Okay. Are you offering -- all right.

2 We talked earlier about the fact that
3 you're not offering a legal opinion in this case,
4 that you're not offering an opinion with respect to
5 quantifying the benefits of CLEAR. I did not ask
6 you, but I will ask you now whether you're offering
7 an opinion in this case regarding quantification of
8 the amount of harm caused by the CLEAR platform or
9 by Thomson Reuters.

10 Do you understand the question?

11 MS. ZEMAN: Objection, compound.

12 THE WITNESS: Quantification of the
13 harm caused by Thomson Reuters and CLEAR?

14 BY MS. FAHRINGER:

15 Q. Or -- or CLEAR. Either one.

16 A. All right. Please --

17 MS. ZEMAN: Objection, compound.

18 THE WITNESS: Please ask the question
19 again.

20 BY MS. FAHRINGER:

21 Q. Sure. I'll break it down.

22 So are you offering an opinion in this

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1 case regarding quantification of the harm caused by
2 the CLEAR platform?

3 MS. ZEMAN: Objection, asked and
4 answered.

5 THE WITNESS: What do you mean by
6 quantification?

7 BY MS. FAHRINGER:

8 Q. Yeah. What I mean by that is, and --
9 and let's make sure we're on the same page with
10 respect to this.

11 I understand your opinion to be that
12 there is a fact of harm due to the CLEAR platform.
13 My question goes to whether you have quantified the
14 amount of harm with respect to the CLEAR platform.

15 Do you understand what I mean?

16 A. Beyond the idea that many, many people
17 suffer the harm, virtually all Californians, I
18 haven't quantified the amount of harm per person.
19 No, that was not part of my mandate.

20 Q. Understood. That's fine.

21 And, again, similar to the question
22 that we discussed with respect to benefits of

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1 company is doing stuff which is beyond the
2 pale of -- of what most Americans and
3 Californians would accept.

4 BY MS. FAHRINGER:

5 Q. You testified that you'd need to know
6 the context. Why is that? What is it that you
7 would need to -- I'll withdraw that question.

8 What is it that you would need to know
9 about the context?

10 A. Well, I -- you know, you make up the
11 story about a person saying that she or he would
12 find it okay for -- for CLEAR to have her
13 information. We could tell stories about anything.

14 My larger point is from a -- from a
15 larger societal standpoint, what CLEAR is doing to
16 the large percentage of Californians is beyond the
17 pale. It's harmful from a privacy standpoint and
18 that's the issue here.

19 Q. Do you believe it's possible that some
20 Californians would have no objection to their
21 information being made available in CLEAR?

22 A. I have no idea.

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1 Q. Okay. And I take it your methodology
2 doesn't have any way to identify those people;
3 correct?

4 A. That's not what I was asked to do.

5 Q. Understood. Do you believe that you
6 personally have been harmed by CLEAR?

7 A. I believe that CLEAR probably has
8 information about me, and if CLEAR has information
9 about me in its databases, I have been harmed by
10 CLEAR, yes.

11 Q. Okay. How do you know that you've been
12 harmed by CLEAR?

13 MS. ZEMAN: Objection, misstates
14 testimony.

15 THE WITNESS: The -- the harm -- again,
16 going by the statistics of -- that the -- the
17 depositions recounted, there is a very high
18 chance that I am ensnared in CLEAR's
19 database.

20 BY MS. FAHRINGER:

21 Q. So you're -- you are assuming -- if
22 it's true that your information is available via

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1 the CLEAR platform, then you conclude that you have
2 been harmed by CLEAR; correct?

3 A. The idea of privacy harm is not being
4 able to control the information CLEAR has about me
5 and giving access to other companies. That's a
6 privacy harm. That's a harm.

7 Q. Do you have any view as to whether you
8 should be paid by Thomson Reuters for its use of
9 your information?

10 A. The larger issue stands. I have no
11 view on that and I think what Thomson Reuters is
12 doing is repugnant to the point of paying for the
13 use of information is not the point.

14 Q. Do you have any view as to whether
15 consumers ought to be paid by Thomson Reuters for
16 the use of their information?

17 A. My sense of that goes back to that
18 larger question of not being able to control their
19 information. We could create a scenario where
20 Thomson Reuters was a great citizen and, you know,
21 allowed for people to control their information,
22 but that's not the world we're talking about now.

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1 Q. So do you have any view as to whether
2 consumers ought to be paid by Thomson Reuters for
3 the use of their information?

4 A. No, I don't.

5 Q. Okay. I want to explore the right to
6 control one's information, a person's information,
7 and I want to make sure I understand what that
8 means.

9 A person's information, does that -- by
10 that do you mean to connote, like, ownership of the
11 information or merely that the -- or subject matter
12 that the information relates to a person?

13 Do you understand the question?

14 MS. ZEMAN: Objection, compound.

15 THE WITNESS: Could you explain -- you
16 did say two things there. Explain what you
17 mean.

18 BY MS. FAHRINGER:

19 Q. Yeah. What I mean is: I want to make
20 sure that -- that when you use the -- let me back
21 up a step.

22 You use the phrase "their information"

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1 occasionally in your report; correct?

2 A. Yes --

3 Q. And --

4 A. -- information about them. That's a
5 short way of saying information about them.

6 Q. And that was what my question was going
7 to. So -- so the question really was just intended
8 to explore what that means.

9 And it sounds to me as though that's a
10 subject matter description. That is, that by
11 "their information" or "one's information," that
12 connotes that the information regards that
13 person --

14 A. Yes.

15 Q. -- is that correct?

16 A. Yes.

17 Q. Okay. And the right to control one's
18 information, is that the right to prevent --
19 when we're talking about the right to control, is
20 that the right to prevent people from doing certain
21 things?

22 Do you understand the question?

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1 A. The right to control information means
2 the right to decide whether a company should even
3 have that information.

4 Q. Okay. So whether that -- whether
5 another person should even -- when you say "should
6 even have that information," do you mean should
7 even, like, read that information?

8 A. Should even take control of that
9 information.

10 Q. I see. So, for example, republish the
11 information or share the information? The right
12 to --

13 A. No. Have the information. Have that
14 information.

15 Q. Have it. Just to have it?

16 A. Yes, that's the whole idea here.

17 Q. The right to control your information
18 is the right -- is the right to prevent other
19 people from having your information?

20 A. Other people, other companies, yes.

21 Q. Okay. Does a person have a right to
22 control information about them that is publicly

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1 available?

2 A. I would argue in a case like this, yes.

3 Q. Why?

4 A. Because by -- by linking that
5 information to other information, Thomson Reuters
6 is damaging, harming the privacy of the individual
7 in ways that go beyond the -- the -- the database
8 standing on its own.

9 Q. So a person has a right to control
10 public information under at least some
11 circumstances; is that fair?

12 A. A person has a right to control the
13 dissemination of public information by companies
14 and entities that are not the original entity that
15 collected that information.

16 Q. Okay. So the right to control the
17 dissemination of that information, does a person
18 have the right to control the collection, the
19 taking of that information?

20 Let me back up a step and ask a better
21 question that's more precise.

22 A. Uh-huh.

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1 Q. Does a person have a right to control
2 public information by preventing a company from
3 collecting that information?

4 Do you understand the question?

5 A. It is a privacy harm for a company to
6 collect information that is public without
7 permission.

8 Q. I see. And that permission must be
9 permission from the person that the information
10 regards?

11 A. Yes.

12 Q. And the privacy harm you're referring
13 to here is the same harm discussed in your report;
14 that is, the diminishment of the right to control
15 one's information and the right to be let alone?

16 A. Yes.

17 Q. And this right to control information,
18 would that extend to any information about a person
19 that is public?

20 A. You'd have to give me a specific
21 example.

22 Q. Let's just take name. Does that --

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1 does that extend to somebody's name?

2 A. I don't know how -- what you mean by
3 that.

4 Q. Does a person have a right to control
5 their name? That is, in other words, does a person
6 have a right to prevent a company from collecting
7 their name from public sources?

8 A. For what purpose?

9 Q. For any purpose.

10 A. I would say that the idea of a company
11 having my name could be problematical, yes. It
12 could -- it's a privacy harm.

13 Q. Same privacy harm that you discuss that
14 is the subject of your opinion in this case?

15 A. Yes.

16 Q. I'm going to give you just an example
17 for me. Like do I have -- I've got brown hair. Do
18 I have the right to control how someone else would
19 describe me?

20 A. What do you mean by someone else?

21 Q. Let's just say a company then. Let's
22 say -- let's say -- well, let's start with an easy

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CERTIFICATE

I, Debra Sapio Lyons, a Registered Diplomat Reporter, a Certified Realtime Reporter, a Certified Realtime Captioner, an Approved Reporter of the United States District Court for the Eastern District of Pennsylvania, a Certified Court Reporter for the State of New Jersey; and Notary Public do hereby certify:

That Joseph Turow, Ph.D., the witness whose deposition is hereinbefore set forth, appeared remotely via Zoom videoconference, was remotely sworn by me and that such deposition is a true record of the testimony given by such witness, to the best of my ability and thereafter reduced to typewriting under my direction.

I further certify that I am not related to any of the parties to this action by blood or marriage and that I am in no way interested in the outcome of the matter.

In witness whereof, I have hereunto set my hand this 1st day of September, 2022.



DEBRA SAPIO LYONS
CRR, RDR, CCR, CPE

October 10, 2022

Re: *Brooks v. Thomson Reuters Corporation*, Case No. 3:21-cv-01418-EMC
USDC Northern District of California – San Francisco Division

Deposition Errata for the Deposition of Joseph Turow (Deposition dated August 26, 2022, transcript received September 8, 2022)

To whom it may concern:

I, Joseph Turow, have reviewed the transcript of my deposition in *Brooks et al. v. Thomson Reuters Corp.*, Case No. 3:21-cv-01418-EEMC, taken on August 26, 2022. Attached hereto is a list of errata identified in the deposition transcript.



JOSEPH TUROW

October 9, 2022

DATE

Joseph Turow Deposition Errata Sheet

Page:Line	Existing Testimony	Corrected Testimony
51:20	"FaceBook"	"Facebook"
52:2	"FaceBook"	"Facebook"
101:20	"HIPPA"	"HIPAA"
103:9	"HIPPA"	"HIPAA"
147:1	"Californians-the"	"Californians -- the"
147:2	"alone-in"	"alone -- in"
153:22	"My sense it's an"	"My sense is it's an"
216:9	"trotting"	"treading"
233:7	"clear"	"CLEAR"
235:16	"there isn't large literature"	"there is large literature"
244:5	"do you ever"	"do you aver"
248:16	"all sociology"	"a sociologist"
273:16	"I would image"	"I would imagine"
296:17	"clear"	"CLEAR"
319:16-17	"her ability to a control."	"her ability to control it."
321:20	"particle of a larger"	"part of a larger"
326:14	"gave publicly"	"made publicly"
336:15	"collecting"	"correcting"

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6 ERRATA SHEET
7

8 Case: Cat Brooks and Rasheed Shabazz, et al. v. Thomson Reuters Corp.
9 Witness Name: Joseph Turow, Ph.D.
10 Deposition Date: August 26, 2022

11 Page No. Line No. Change
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21  October 9, 2022
22 Signature Date