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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,

Plaintiffs,

v.

THOMSON REUTERS CORPORATION,
Defendant.

Case No. 3:21-cv-01418-EMC

**DECLARATION OF KEVIN APPOLD IN
SUPPORT OF THOMSON REUTERS'
CLASS CERTIFICATION OPPOSITION**

REDACTED - PUBLICLY FILED
VERSION OF DOC. 152
PURSUANT TO COURT ORDER,
DATED MARCH 21, 2023 (DOC. 178)

EXHIBIT
B

1 I, Kevin Appold, hereby declare as follows:

2 1. I am Vice President, Product, US Public Records at West Publishing Corporation,
3 the wholly owned subsidiary of Thomson Reuters Corporation that owns and operates the
4 CLEAR platform. For purposes of this declaration, I will refer to West and Thomson Reuters
5 Corporation collectively as “Thomson Reuters.” I have been employed by Thomson Reuters for
6 more than 27 years. I make this declaration based upon personal knowledge and if called upon to
7 do so I could and would testify competently to the facts set forth herein.

8 2. At Thomson Reuters, I manage a team responsible for continued development and
9 operation of the CLEAR platform. At Thomson Reuters, I have led the Product Management
10 team responsible for the integration and ongoing design of CLEAR since Thomson Reuters
11 acquired CLEAR in 2008. I, and other members of the Product Management team, coordinate
12 closely with Marketing and Sales to understand customer use cases and needs. I, and other
13 members of the Product Management team, also coordinate closely with the licensing and
14 compliance teams to identify, secure, and integrate appropriate content for customers’ business
15 and governmental needs.

16 3. CLEAR is a platform that makes it easier for authorized CLEAR customers to find
17 information about people and businesses. The information available through CLEAR is drawn
18 from:

- 19 1. The internet, typically through direct connections (live “gateways”) to, for
20 example, internet browser and Google Maps search results.
21 2. Public records, such as public state and federal dockets, business filings with
22 secretaries of state, and property records.
23 3. Reputable third-party licensors.

24 4. Information available through CLEAR will necessarily change over time as a
25 result of a number of factors, including Thomson Reuters changing sources of data available
26 through CLEAR and data sources updating their information.

27 5. Some of the information available through CLEAR is provided through
28 Application Programming Interface (“API”) gateways, which allow credentialed and authorized

1 customers who otherwise have the right to access such information to access it directly from the
2 source. For example, real estate valuation records and vehicle history report data are available
3 through API gateways.

4 6. CLEAR permits certain authorized customers, who otherwise have the right to
5 access such information, to search records of arrests and convictions, which are categorized based
6 on the uniform offense codes published by the National Crime Information Center. These
7 criminal codes may or may not be populated for a given individual depending on a variety of
8 factors, including whether that coded “crime” is in fact criminalized in that individual’s particular
9 jurisdiction(s). And each jurisdiction may have differing definitions for coded crimes. Based on
10 my review of available data, I do not believe that CLEAR contains any records categorized as
11 abortion-related from any California jurisdiction.

12 7. CLEAR does not contain functionality to retrieve or search call records. Instead,
13 the only “phone” records that can be queried via CLEAR are phone registration records that show
14 the name or company registered to a given number. CLEAR does not offer any real-time location
15 or tracking data. The only location data, other than addresses, that is searchable through CLEAR
16 is through license plate detections. Those are limited, ad hoc captures of historical license plate
17 locations, not real-time location information. And that license plate information in CLEAR is
18 available only to select government and law enforcement subscribers.

19 8. CLEAR is intended to provide access to information that is useful for legitimate
20 investigative purposes. Not all of the information searchable via CLEAR can be viewed by all
21 customers in all circumstances. For example, social security numbers, dates of birth, and driver’s
22 license numbers are partially redacted by default unless a customer is approved for greater access;
23 automated license plate reader data is only accessible by certain government and law enforcement
24 subscribers; and access to certain incarceration records is more limited for non-law enforcement
25 customers than it is for law enforcement customers.

26 9. CLEAR is primarily designed to search a single business or name at a time;
27 searching multiple names or businesses at one time (i.e. “batch” searching) is therefore a
28 relatively low proportion of all searches conducted via CLEAR.

1 10. CLEAR contains extensive, overlapping protections to ensure the platform is used
2 appropriately. CLEAR contains functionality such that a CLEAR customer may access only the
3 information to which Thomson Reuters grants them access, based on Thomson Reuters'
4 credentialing process. That credentialing considers variables including the nature of the customer
5 (i.e. law enforcement agency, financial institution, etc.), their uses of CLEAR, and the
6 permissible use they identify for each search that they conduct on CLEAR. Examples of some of
7 the credentialing forms filled out by prospective Thomson Reuters customers are attached as
8 Exhibits B-6 and B-7 to this Declaration. Before conducting a search on CLEAR, the customer
9 must specify a "permissible use" for the search. The information available to that customer will
10 vary depending on the use selected. A customer may not access any information in CLEAR
11 unless they have certified a permissible purpose under the Gramm-Leach-Bliley Act ("GLBA"),
12 and users may not access information governed by the Driver's Privacy Protection Act or state
13 voting laws without first certifying that the purpose of their use is permitted by those laws. The
14 information displayed in search results also will vary based the search terms used (the type and
15 volume of information available will differ for different search subjects), customer controls
16 (customers choose what content will be displayed both in search results and reports, if any), time
17 (the information varies over time), and many other factors.

18 11. Thomson Reuters prohibits certain uses of CLEAR outright, including marketing
19 efforts such as creating mailing lists and soliciting clients, and any purpose falling under the Fair
20 Credit Reporting Act. Thomson Reuters also prohibits certain types of entities from accessing
21 CLEAR, such as payday lenders, pawn shops, weapons dealers, genealogical or heir research
22 firms, condominium or homeowners associations, and dating services. Entities that are granted
23 access must pass a thorough credentialing process typically involving an onsite inspection to
24 verify the customer's identity. Once an entity has passed credentialing, the customer must
25 reaffirm its permissible use for CLEAR; before conducting any searches in CLEAR, a subscriber
26 must first agree and warrant that it will (1) use the data only for its own internal business or
27 government purpose; (2) strictly limit access, use, and distribution of CLEAR data to that
28 purpose; (3) not disclose the data to anyone except as necessary to carry out that purpose; and (4)

1 immediately report to Thomson Reuters any misuse, abuse, or compromise of the data. Customers
2 must go through a re-credentialing process every two years.

3 12. Thomson Reuters proactively monitors for misuse of CLEAR, including through
4 alerts that are triggered by certain suspicious activities, and enforces these protections rigorously.
5 As an example, a true and correct copy of an internal Thomson Reuters business record reflecting
6 statistics related to some of these compliance enforcement measures in 2020 is attached as
7 Exhibit B-8.

8 13. As of October 19, 2022, there were approximately [REDACTED] active CLEAR
9 customers. A true and complete copy of a document reflecting these active customers (filtered to
10 show all “active” customers in column C and hiding irrelevant information such as billing contact
11 names) is attached as Exhibit B-2. While [REDACTED] once applied to become a
12 CLEAR customer, Thomson Reuters declined their application.

13 14. One reason that customers may use CLEAR is to investigate, identify, and combat
14 fraud (e.g., financial fraud, identity theft, and fraud in various government benefits programs).
15 Specifically, CLEAR is used by a range of customers to verify identities, by financial institutions
16 to satisfy Know Your Customer needs and regulatory requirements, by insurance companies to
17 investigate claims fraud or ensure beneficiaries are located, by businesses and government
18 agencies to vet vendors in a procurement process or investigate a supply chain, by government
19 agencies to locate missing persons or absentee parents to enforce child support orders, and by law
20 enforcement agencies to investigate criminal activity. CLEAR is also used to combat human
21 trafficking, by, for instance, by reuniting victims with their families, and in investigating suspects
22 by associating individuals who are engaged in a criminal trafficking network.

23 15. Exhibits B-4 and B-5 to this Declaration are true and correct copies of logs
24 reflecting all customer searches that have been conducted on CLEAR since 2016 for the names
25 Cat Brooks, Sheilagh Polk, Rasheed Shabazz, and Reginald James, or for the social security
26 numbers of named Plaintiffs Cat Brooks and Rasheed Shabazz. These logs are complete and
27 accurate based on a diligent review of Thomson Reuters’s records.

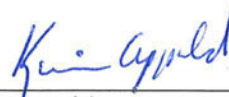
28 16. **Business Records:** Attached to this Declaration are the following Exhibits:

- Ex. B-1 (TR-BROOKS301621-TR-BROOKS301636)
- Ex. B-2 (TR-BROOKS426763)
- Ex. B-3 (TR-BROOKS001564-TR-BROOKS001565)
- Ex. B-4 (TR-BROOKS425993)
- Ex. B-5 (TR-BROOKS425994)
- Ex. B-6 (TR-BROOKS003092-TR-BROOKS003095)
- Ex. B-7 (TR-BROOKS013911-TR-BROOKS013913)
- Ex. B-8 (TR-BROOKS305113-TR-BROOKS305117)

(hereinafter “TR Business Records”). Each of the TR Business Records was made at or near the time of the recorded act, event, condition, opinion, or diagnosis, by (or from information transmitted by) someone with knowledge. Each of the TR Business Records were kept in the course of a regularly conducted activity of TR. Making the TR Business Records was a regular practice of that activity.

[signature on following page]

Executed on January 20, 2023, in Dakota County, MN.



Kevin Appold