

Obtain Valuable Data in E-discovery With Google Takeout

The information contained herein is for informational purposes only and does not constitute any form of legal advice.

Individuals create vast amounts of data on computers, tablets, smartphones, and other internet-connected devices. As much as [85% of Americans own a smartphone](#), and a whopping 95% of Americans ages 18 to 49 own one, according to Pew Research. In addition, [72% of Americans use social media](#), with the average user interacting with more than six different social media platforms. For people ages 16 to 64, the numbers are even higher, with YouTube users at 81.9% and Facebook users at 73.4%. In all, Americans spend an average of [4.1 hours per day on their mobile devices](#), creating a virtual mountain of data.



This valuable data, commonly known as electronically stored information (ESI), can be preserved and collected as potential digital evidence in a civil litigation action. But for civil litigation attorneys, how do you obtain access to this abundance of ESI? The first place to turn might be Google Takeout.

GOOGLE TAKEOUT

[Google Takeout](#) is a free tool that allows for the export of data from a user's Google services accounts, such as Chrome, Gmail, and Google Pay. The tool will easily download or transfer a copy of the data stored on one or all of the user's Google accounts. The Google platform is the default for all Android smartphones, so you'll get more data from an Android user than an Apple user. (There are other tools to use for Apple data.)

At the onset of the legal action, you'll want to provide a litigation hold letter, or preservation letter, which is a document that requires the opposing party to preserve all data related to the pending legal action. Then, in your request for production of documents, you'll ask for a Google Takeout download to retrieve the data.

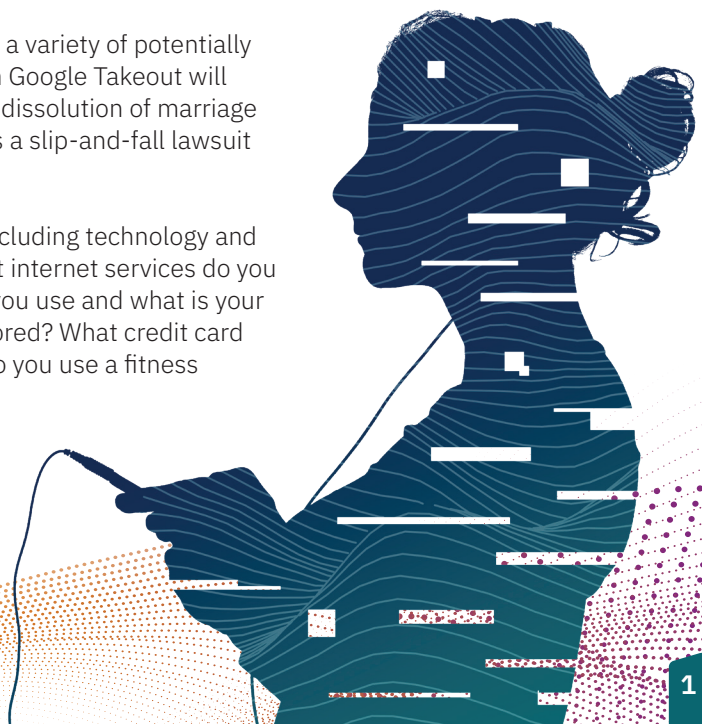
DATA AND SERVICES INCLUDED

Google Takeout gathers data from all Google accounts, providing a variety of potentially relevant information. Of course, the data you want to export from Google Takeout will depend on the legal action involved. For example, evidence for a dissolution of marriage action may involve chats, credit cards, and finance data, whereas a slip-and-fall lawsuit may rely on browser history, location, and fit data.

In the interrogatories, you'll ask the opposing party questions, including technology and internet-related questions, that pertain to your legal action. What internet services do you use? What phones do you use? What social media platforms do you use and what is your username for each of those accounts? Where are your photos stored? What credit card accounts do you have including accounts such as Google Pay? Do you use a fitness tracking device? These questions are just a sampling of what you should ask.

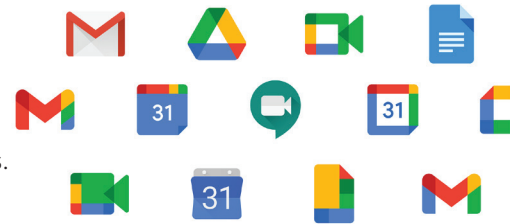
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Once you receive a response to the interrogatories, you can select from a long list of accounts within Google data. Here are several accounts that may contain digital evidence against a party in a legal action:

- **Account activity and access logs.** This data can give context to what the party did, when the party did it, and whether the party deleted data.
- **Bookmarks and history.** You can see the complete list of searches and websites that the party browsed for and saved as a bookmark. Such data can offer evidence as to state of mind and intent. For example, in a slip-and-fall lawsuit, you can see whether the party initiated a search for “pain centers” or researched “how to make money from a lawsuit.”
- **Contacts.** You can download this data as a CSV or vCard, specify CSV.
- **Drive.** This data includes large files the party stored on the drive. Using the slip-and-fall lawsuit example, you may find medical records that the party did not disclose.
- **Photos.** By default, all photos and videos on Android phones are backed up here.
- **Fit.** This data monitors the party’s health and activity history, including daily steps, sleep behavior, and workouts.
- **Location history.** This data can provide a timeline of the party’s activities. If enabled, the location history will tell where the party went and how long the party was there.
- **Gmail.** You may find an abundance of incoming and outgoing messages and attachments in the party’s email accounts.
- **Google Chat.** You can read the party’s conversations with individuals and among groups.
- **Google Finance.** This data lists the party’s portfolio stocks and watchlists.



STEPS REQUIRED

Downloading Google Takeout is a straightforward process. The opposing party can follow a few simple steps to complete the download (The next page is standalone instructions to provide to opposing counsel):

1. **Go to takeout.google.com.** On this page, the party will export a copy of the content in the Google accounts. All options are preselected except for the activity log.
2. **Select the data.** The party can manually select the activity log box to export all options, or the party can click “Deselect all,” then click the boxes for the particular options that correspond to the legal action.
3. **Click “Next step.”** The party will find this option at the bottom of the page.
4. **Choose the file type, frequency, destination, and file size.**
 - **File type.** The party can choose to export the file as either a zip file, which is the default, or a TGZ file.
 - **Frequency.** For e-discovery, the party should choose to have all the data exported at once.
 - **Destination.** By default, data will be sent as a download link via email. Google will save the download for seven days. As the recipient, you must retrieve it within that time frame; otherwise, the party will have to generate a new download link. You can save the data to an online storage service such as Google Drive, OneDrive, or Dropbox.
 - **File size.** The download is usually a large file, but the party can split the export into several smaller file sizes of 1GB, 2GB, 4GB, 10GB, or 50GB.
5. **Export the data.** The party can click “Create export” to begin exporting. Google will gather the files and archive the data as specified. It may take a full day to complete the export.

Once the export is complete, Google Takeout will send you an email with a link to the files. From the email, select “Download archive” to begin the download, and Google will move the data from its servers to your designated folder. Look in the folders and verify that there is data. If data is not present, it may mean that the user did not use that particular Google service. If there is data present, it’s always a good idea to have an expert analyze the data to give context to it.

WHERE TO GET HELP WITH THE DATA

If you need additional help, we are expert witnesses who can analyze the data. Contact us at DFIR@pondurance.com.



GOOGLE TAKEOUT: HOW TO DOWNLOAD THE DATA FOR OPPOSING COUNSEL

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- 2. Select the data.** You can manually select the activity log box to export all options, or you can click “Deselect all,” then click the boxes for the particular options that correspond to the legal action.
- 3. Click “Next step.”** You’ll find this option at the bottom of the page.
- 4. Choose the file type, frequency, destination, and file size.**
 - **File type.** Choose to export the file as a zip file, which is the default.
 - **Frequency.** Choose to have all the data exported at once.
 - **Destination.** By default, data will be sent as a download link via email. Use opposing counsel’s email as the destination.
 - **File size.** The download is usually a large file, but you can split the export into several smaller file sizes of 1GB, 2GB, 4GB, 10GB, or 50GB.
- 5. Export the data.** Click “Create export” to begin exporting the data. Google will gather the files and archive the data as specified. It may take a full day to complete the export.



Once the export is complete, Google Takeout will send to opposing counsel an email with a link to the files.