



Office of the Secretary

UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

October 13, 2011

Edward Beary  
State of New York

Re: *In the Matter of Google Inc., File No. 1023136, Docket No. C-4336*

Dear Mr. Beary:

Thank you for your comment on the Federal Trade Commission's consent agreement in the above-entitled proceeding. The Commission has placed your comment on the public record pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii), and has given it serious consideration.

Your comment suggests that all internet sites should be required to obtain opt-in consent for any information sharing. The proposed settlement followed the staff's thorough investigation of Google Inc.'s ("Google") practices and representations relating to its Buzz social networking service. While the Commission believes that the proposed settlement provides valuable guidance to industry about the importance of building privacy controls into the design and implementation of new products and services, the requirements of the order will apply only to Google. The Commission feels this consent order addresses the misrepresentations at issue in this case, and that consumers will benefit from the provisions in this order well into the future.

The Commission believes that the proposed order will ensure that Google uses reasonable and appropriate procedures to protect the privacy and confidentiality of consumers' "covered information"<sup>1</sup> going forward. Among other provisions, the proposed consent order mandates that Google establish and maintain a comprehensive privacy program that addresses privacy risks related to new and existing products and services and protects the privacy and confidentiality of covered information. Under the order, the company also must give Google users notice and obtain express affirmative consent prior to sharing their identified information with any third party in connection with a change to any product or service, where such sharing is contrary to stated sharing practices in effect at the time of collection. Finally, the order requires

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<sup>1</sup> "Covered Information" is defined in the order as "information respondent [Google] collects from or about an individual, including, but not limited to, an individual's: (a) first and last name; (b) home or other physical address, including street name and city or town; (c) email address or other online contact information, such as a user identifier or screen name; (d) persistent identifier, such as IP address; (e) telephone number, including home telephone number and mobile telephone number; (f) list of contacts; (g) physical location; or any other information from or about an individual consumer that is combined with (a) through (g) above."

Google to obtain an assessment and report from a qualified, independent third-party professional, certifying that it has in place a privacy program that provides protections that meet or exceed the protections required by the order, every other year for twenty years. The proposed consent order contains strong relief that is designed to protect the privacy of consumers that use Google's products and services throughout the world.

In the future, if you have specific information suggesting that Google is not maintaining reasonable privacy or security of user information, you may contact the Consumer Response Center at (877) 282-4357, or file a complaint online at [www.ftccomplaintassistant.gov](http://www.ftccomplaintassistant.gov).

In light of these considerations, the Commission has determined that the public interest would best be served by issuing the Decision and Order in final form without any modifications. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. It helps the Commission's analysis to hear from a variety of sources in its work, and it thanks you again for your comment.

By direction of the Commission.

Donald S. Clark  
Secretary