



Office of the Secretary

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

October 13, 2011

Mr. Jeff Chester
Executive Director
Center for Digital Democracy
1220 L Street, NW
Suite 300
Washington, DC 20005

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

Dear Mr. Chester:

Thank you for your comment on behalf of the Center for Digital Democracy (“CDD”) 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 calls on the FTC to require Google Inc. (“Google”) to implement safeguards specific to certain Google holdings, such as DoubleClick and AdMob, as well as third parties that contract with Google on data- and ad-related activities in connection with the comprehensive privacy program mandated by the order. The Commission is concerned about the lack of transparency and consumer control with regard to the online collection and use of consumer information and is committed to protecting consumer privacy. Toward that end, the order will require Google to build and maintain strong privacy protections for all its products and services going forward. Indeed, the order not only covers Google Buzz and Gmail; it applies broadly to all of Google’s products and services, including the ones mentioned in your comment.

The 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 that protects the privacy and confidentiality of “covered information,”¹ among other provisions. While the proposed order sets forth several elements that the privacy program must include,

¹ “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.”

some flexibility is afforded with regard to its implementation. This approach allows innovation in the area of privacy-enhancing technologies and is designed to keep pace with a dynamic marketplace. In particular, the privacy program must contain controls and procedures appropriate to Google's size and complexity that reflect the sensitivity of data handled, the scope and nature of Google's business activities, and the types of risks the company faces. To the extent that reasonably foreseeable, material risks arise from Google's products, services, and business practices, Google must use reasonable and appropriate procedures to address these risks or it could face substantial civil penalties.

Under the order, Google is prohibited from misrepresenting the privacy and confidentiality of any covered information, as well as the company's adherence to any privacy, security, or other compliance program. 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 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.

Your comment also states that the proposed consent order must protect adolescents and the privacy of multicultural consumers. The Commission believes that the proposed consent order contains strong relief that will protect the privacy of all consumers, including those mentioned in your comment, that use Google's products and services.

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