



Office of the Secretary

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

October 13, 2011

Daniel Lord  
State of Michigan

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

Dear Mr. Lord:

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 describes your concerns about your Google Buzz account having been activated through Gmail without your permission and the sharing of your information. The proposed complaint alleges that Google Inc. ("Google") violated Section 5(a) of the FTC Act by falsely representing to users signing up for Gmail that it would use their information only for the purpose of providing them with web-based email. The proposed order contains provisions designed to prevent Google from engaging in the future in practices similar to those alleged in the complaint with respect to all Google products and services, not only Gmail or Buzz.

Specifically, the proposed consent order prohibits Google from misrepresenting the privacy and confidentiality of any "covered information,"<sup>1</sup> as well as the company's compliance with any privacy, security, or other compliance program. 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. The order also mandates that Google establish and maintain a comprehensive privacy program that addresses privacy risks related to the development and management of new and existing products and services, and protects the privacy and confidentiality of covered information.

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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."

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. Should Google violate the terms of the Commission's final order, it could be liable for civil monetary penalties of up to \$16,000 per violation, pursuant to Section 5(l) of the FTC Act. The Commission believes that the strong relief in the proposed consent order will protect the privacy of consumers that use Google's products and services.

Further, Google may have additional details regarding what information the company may have shared about you. You may contact Google through its Help Center (<http://www.google.com/support/>) for information on this subject. 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.ftc.complaintassistant.gov](http://www.ftc.complaintassistant.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