



August 31, 2009

Mr. David Vladeck
Director, Bureau of Consumer Protection
Federal Trade Commission
600 Pennsylvania Avenue
Washington, D.C. 20580

Dear Mr. Vladeck:

Thank you for the opportunity to brief you and your staff about privacy matters relating to Google's settlement agreement with authors and publishers that, if approved by the U.S. District Court for the Southern District of New York, will unlock access to millions of books for anyone in the United States.

Privacy is important to Google, and to the librarians, publishers, and authors without whom the Books product could not exist – and we know it's important to our users too. We have a strong privacy policy in place now for all Google products including Google Books, and we offer robust tools and product features that provide our users with transparency and choice to better protect their privacy. Based on our discussions with you and with privacy advocates, we have also decided to create an additional, separate policy specifically for Google Books to make our privacy commitments as easy as possible for users to find and understand. More information about this, and about our public communications about privacy to date, are below.

In addition, we wanted to address in further detail four specific issues that you and your staff raised during our discussion and in subsequent conversations.

First, you emphasized the need for a comprehensive privacy policy covering the Google Books product to let users know in a clear and concise manner what information we collect when they use Book Search, how we use that information, and how we safeguard it. Privacy protections for the current Google Books product are governed by Google's main privacy policy, which explains how we treat personal information. We define personal information as information that our users provide to us that personally identifies our users, such as a user's name, email address, or her billing information, or other data that can be reasonably linked to such information by Google. Note that we treat Google Account information, and any information we store in association with that account, as personal information as well. Google's main privacy policy is available at www.google.com/privacypolicy.html.

Because the settlement agreement has not yet been approved by the court, and the services authorized by the agreement have not been built or even designed yet, it is not possible to draft a final privacy policy that covers details of the settlement's anticipated services and features. However, we know that our eventual product will build in privacy protections – like giving users clear information about privacy, and choices about what if any data they share when they use our

services – and we know some basic outlines of how the services will work and how user privacy will be protected. In a blog post this summer, we explained to users that important principles from our privacy policy will apply to the anticipated new services and features. (See booksearch.blogspot.com/2009/07/google-books-settlement-and-privacy.html.)

In our discussion, you suggested additional ways that we could be even clearer about our privacy policies and practices relating to Google Books. We appreciate your suggestions and, as noted above, we are actively working to create a specialized privacy policy for Google Books that will govern our current product as well as set forth commitments we can make now for the related services and features we will build once the settlement agreement is approved.

Second, you and your staff expressed an interest in Google being explicit about the purposes for which we collect data through Google Books. We agree that it is critical for us to be very clear about why we need users' individual information in order to provide certain features in the Google Books product and the related services that we will build once the settlement agreement is approved. For example, after the settlement is approved, our privacy policy will explain that we need a user's account information in order to provide paid online access to books that a particular user has purchased.

It is important to underscore that users of Google Books are not and will not be required to have a Google account or register with Google to use most Books features. Today, anyone can freely search Google Books, as well as view full pages from public domain books and in-copyright books in our Partner Program, without logging into Google. As the settlement services are launched, users will be able to see much larger portions of many books – often 20 percent of the book – without having an account or registering with Google. Users may also access a separate institutional subscription service, which lets them see the full text of many books, from free public access terminals in public libraries without Google having any information that would uniquely identify them.

As covered in our existing privacy policy, we log certain data to provide the Google Books service; to display customized content; to display advertising; to protect and improve the service and develop new services; for security purposes; to ensure the technical functioning of our network; for auditing, research, and analysis in order to maintain, protect, and improve our services; and to protect the rights or property of Google or our users. For instance, we use log information (including the IP address and cookie from the user's browser but not including user account information) to enforce security limits such as restrictions on the number of pages users can see from a particular book as required by our contractual commitments to rightsholders who license us books. Once we launch the new services and features anticipated by the settlement, we will continue to be explicit about the purposes for which we collect data.

Third, you have asked whether we share data with third parties. This is an important issue, and we welcome the opportunity to confirm unequivocally to you that we do not sell personal information about our users – doing so would go against our main privacy policy, which covers Google Books as well as other Google services such as Web Search. In fact, we never share individual users' personal information at all unless the user tells us to do so, or in narrow circumstances described in

our privacy policy, which includes a detailed discussion under the heading "Information Sharing." In addition to consent-based sharing, the only other situations in which we may share information are stated in our existing privacy policy and include the following circumstances: When we share personal information with trusted entities that process information on our behalf – subject to confidentiality and security measures – and when we have a good faith belief that we need to do so for fraud prevention, security, and preventing harm to Google, our users, or the public as required or permitted by law.

With respect to the new services that we will launch after the settlement is approved, we assure you that strict limits on the sharing of personal information will apply. We will not share our users' personal information with any third parties except under very limited and narrow circumstances set forth in the privacy policy. Google is not in the business of selling our users' personal information to third parties. Moreover, pursuant to the settlement agreement, the Books Rights Registry created under the settlement will not have access to users' personal information. The settlement specifies that in circumstances in which the Registry seeks this data, it must use legal processes to do so. The only data the Registry will receive is aggregate usage data that is needed for purposes such as allocating revenues.

Fourth, you and your staff have inquired about our use of interest-based advertising – IBA for short – on Google Books. Specifically, you expressed interest in knowing whether we provide IBA on Google Books or collect information for IBA from the Google Books product. We do not currently provide IBA on Google Books or collect information for IBA on Google Books, nor do we have any plans to do so. Were we to engage in IBA or any form of online behavioral advertising in connection with Google Books we can assure you we would adhere to the FTC's self-regulatory principles for online behavioral advertising. We would also adhere to our own IBA practices which provide industry-leading transparency, control, and access in order to provide advertising in a way that empowers consumers with information and choices.

Thank you for the time and attention you have dedicated to the proposed settlement and to the Google Books product. As we discussed, approval of the settlement has the potential to offer significant benefits to the reading public, researchers, libraries, academic institutions, authors, and publishers.

We appreciate the opportunity to clarify the privacy protections that we have in place for our users, and we welcome continuing to work with you on the critical issue of protecting consumers' privacy interests. People today are accessing digital books in multiple ways from many different providers. As consumers evolve their reading habits, we and others in the industry are dedicated to protecting the privacy of people who search, browse, and buy books online.

Sincerely,



Jane Horvath
Global Privacy Counsel
Google Inc.