



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

Office of the Director  
Bureau of Consumer Protection

September 2, 2009

**By Hand Delivery**

Jane Horvath  
Global Privacy Counsel  
Google Inc.  
1101 New York Avenue, NW  
Second Floor  
Washington, DC 20005

Dear Ms. Horvath:

Thank you for your letter dated August 31, 2009 discussing Google's privacy policies and their applicability to the Google Books project. Your letter responds to our request for information concerning the steps Google will take to protect consumers' privacy in connection with Google Books.

As we have discussed, we recognize that Google Books offers consumers access to numerous publications that currently are difficult to obtain. At the same time, however, we have concerns about Google gaining access to vast amounts of consumer data regarding the books consumers search for, purchase, and read. Given these concerns, we asked that, to the extent Google will use consumer data collected through Google Books to deliver targeted advertising, Google publicly commit to complying with the FTC's self-regulatory principles for online behavioral advertising.<sup>1</sup> Additionally, we requested that Google disclose the nature and extent of any secondary uses, outside of behavioral advertising, of data collected through Google Books.

Your letter states that, although Google does not currently engage in behavioral advertising with respect to Google Books, Google will adhere to the FTC's self-regulatory guidelines if Google decides to do so in the future. With respect to the other uses of data collected through Google Books, your letter states that Google's existing privacy policy governing how it handles consumer data applies to Google Books. Under that privacy policy, Google only shares "personal information," as you define that term in the policy, when the consumer tells Google to do so or in certain other narrow circumstances. In addition, users of Google Books are not and will not be required to have a Google account or register with Google to use most Google Books features, although an account will be required to access books that a user has purchased. Finally, your letter explains that Google is in the process of creating a specialized privacy policy specific to Google Books.

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<sup>1</sup> FEDERAL TRADE COMMISSION STAFF REPORT, SELF-REGULATORY PRINCIPLES FOR ONLINE BEHAVIORAL ADVERTISING (February 2009), available at <http://www.ftc.gov/os/2009/02/PO85400behavadreport.pdf>.

Google's commitment to the Commission's guidance in the area of online behavioral advertising is a good start. We also agree that it is important for Google to develop a new privacy policy, specific to Google Books, that will apply to the current product, set forth commitments for future related services and features, and preserve commitments made in the existing privacy policy.

As Google develops its new privacy policy, we urge Google to focus in particular on appropriately limiting secondary uses of data collected through Google Books, including uses that would be contrary to reasonable consumer expectations. We also ask that Google continue to engage in this dialogue with the FTC regarding Google's products and services and how to protect most effectively consumers' privacy interests.

This letter is not intended to be an endorsement of the settlement agreement between Google and class action plaintiffs pending before the United States District Court for the Southern District of New York. Further, we note that we have not considered any of the competition issues raised in connection with that settlement. In addition, the views expressed here do not necessarily reflect the views of the Commission or any individual Commissioner.

Once again, thank you for your letter.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Vladeck", written over the word "Sincerely,".

David C. Vladeck