



Office of the Secretary

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

October 13, 2011

Steven Burrows
State of North Carolina

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

Dear Mr. Burrows:

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 expresses concerns about being tracked by online companies through your use of everyday products such as search engines and mobile phone applications. The Commission shares your general concern about the lack of transparency and consumer control with regard to the collection and use of consumer information. The proposed order is designed to ensure that Google Inc. ("Google") provides clear, accurate disclosures and uses reasonable and appropriate procedures to protect the privacy and confidentiality of users' "covered information"¹ going forward.

Among other provisions, the proposed consent order requires Google to 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 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 Commission believes that the

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."

proposed consent order contains strong relief that will protect the privacy of consumers that use Google's products and services.

While the proposed order sets forth several elements that the privacy program must include, 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.

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