



Office of the Secretary

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

October 13, 2011

Mr. Michael Lee
State of Florida

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

Dear Mr. Lee:

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 requests that the Commission impose monetary penalties on Google Inc. ("Google"). The complaint in this matter alleges violations of Section 5 of the FTC Act, under which the Commission does not have general authority to seek civil penalties. However, the Commission believes that the proposed order contains relief that will protect consumers and achieve effective deterrence. In particular, the privacy program and assessments called for under the order will require a significant investment by Google. Further, the proposed order not only prohibits Google from misrepresenting the privacy and confidentiality of any "covered information,"¹ but also requires Google to give users clear and prominent notice and obtain express affirmative consent prior to sharing any user's 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 requires Google to establish and maintain a comprehensive privacy program, and obtain biennial privacy audits by an independent third-party professional. Further, should Google violate the terms of the 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). Thus, the relief contained in the order is significant.

¹ "Covered Information" is defined 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."

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