



Office of the Secretary

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

October 13, 2011

Frederic Thu
Cabinet CILEX
Outside the United States

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

Dear Mr. Thu:

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 raised a concern about Google Inc.'s ("Google") compliance with European laws regarding privacy. The complaint contains allegations that Google violated Section 5 of the Federal Trade Commission Act by making deceptive representations to consumers, including representations regarding its compliance with the U.S.-EU Safe Harbor Framework, a mechanism that allows companies to transfer data from the European Union to the United States consistent with European Union laws.

The Commission believes that the proposed order will ensure that Google uses reasonable and appropriate procedures to protect the privacy and confidentiality of consumers' "covered information"¹ going forward. Among other provisions, the proposed consent order prohibits Google from misrepresenting the company's adherence to any privacy, security, or other compliance program. It also mandates that Google 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 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

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."

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 proposed consent order contains strong relief that is designed to protect the privacy of consumers that use Google's products and services throughout the world.

Further, should Google violate 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. 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.ftccomplaintassistant.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