



Office of the Secretary

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

October 13, 2011

Association of Research Libraries

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

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 calls for specific protections to ensure reader privacy in connection with the Google Books project. Commission staff raised similar concerns about reader privacy in a 2009 public letter to Google Inc. ("Google"). In that letter, Commission staff raised concerns about Google "gaining access to vast amounts of consumer data regarding the books consumers search for, purchase, and read" in connection with its Google Books project.¹ Commission staff further called upon Google to commit publicly to adhering to the FTC's self-regulatory principles for online behavioral advertising, to the extent that Google planned to use consumer data collected through Google Books to deliver targeted advertising.²

The proposed order requires Google to implement reasonable and appropriate procedures to protect the privacy and confidentiality of consumers' "covered information,"³ including any information gleaned about their reading habits, going forward. Among other provisions, the

¹ See Letter from David C. Vladeck, Director, Bureau of Consumer Protection, Federal Trade Commission to Jane Horvath, Global Privacy Counsel, Google Inc. (Sept. 2, 2009), available at <http://www.ftc.gov/os/closings/090903horvathletter.pdf>.

² At that time, Google represented that it did not engage in behavioral advertising with respect to Google Books, but would adhere to the FTC's self-regulatory guidelines if Google decided to do so in the future. See Letter from Jane Horvath, Global Privacy Counsel, Google Inc., to David C. Vladeck, Director, Bureau of Consumer Protection, Federal Trade Commission (Aug. 31, 2009), available at <http://www.ftc.gov/os/closings/090903bcpgoogleletter.pdf>.

³ "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 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 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 proposed consent order contains strong relief that will protect the privacy of consumers who use Google's products and services.

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