



Office of the Secretary

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

October 13, 2011

Mr. John M. Simpson
Consumer Advocate
Consumer Watchdog
413 E. Capitol St., SE
First Floor
Washington, DC 20003

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

Dear Mr. Simpson:

Thank you for your comment on behalf of Consumer Watchdog 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.

The Commission appreciates Consumer Watchdog's support of the consent agreement. You also request that the order specify that Google Inc. ("Google") must adopt certain additional measures, such as encrypting all cloud-based services and refraining from offering facial recognition services, in connection with the comprehensive privacy program required by Part III of the proposed order.

The Commission is committed to safeguarding consumer privacy and believes that the proposed order requires Google to build and maintain strong privacy protections for all its products and services. As you noted, the 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,"¹ among other provisions.

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

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."

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 the products, services, and business practices discussed in your comment, 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