Congress of the United States
Washington, DC 20515

January 26, 2012

Mr. Larry Page
Chief Executive Officer
Google
1600 Amphitheatre Parkway
Mountain View, CA 94043

Dear Mr. Page:

On January 24, 2012, Google announced the consolidation of virtually all of its existing privacy policies into one main privacy policy for Google products. According to an article in *The Washington Post,* it became clear that Google, which can already "combine the information you submit under your account with information from other Google services or third parties . . ." can now share users' information across more Google products.[1] While Google suggests that the purpose of this shift in policy is to make the consumer experience simpler, we want to make sure it does not make protecting consumer privacy more complicated.

Google's new policy encompasses both how users browse the Internet on their computers and how they use the Internet on the phone, as Android users are required to sign in with a Google account when they first activate their phones.[2] Google's announcement raises questions about whether consumers can opt-out of the new data sharing system either globally or on a product-by-product basis. We believe that consumers should have the ability to opt-out of data collection when they are not comfortable with a company's terms of service and that the ability to exercise that choice should be simple and straightforward.

Google has come under scrutiny by the Federal Trade Commission regarding its Google Buzz social networking tool due to personal information being inappropriately disclosed.[3] Implementing this product with appropriate consumer protections proved challenging for Google. Providing this protection becomes even more important if Google is consolidating the collection of users' information across multiple products.

Google touches the lives of nearly every person who has an Internet connection. Earlier this month Google estimated that there are currently 350 million active Gmail users.[4]

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[1] Hayley Tsukayama, *FAQ: Google's New Privacy Policy*, Wash. Post. (Jan. 24, 2012) <http://www.washingtonpost.com/business/technology/faq-googles-new-privacy policy/2012/01/24/gIQArw8GOQ_story.html>.

[2] Note that earlier this month Google announced there are now 250 million Android devices in the field, progressing at a rate of 700,000 activations per day. Chris Ziegler, *Google: 250m Android devices, 700,000 activations per day, 11b Market downloads,* The Verge (Jan. 19, 2012) <http://www.theverge.com/2012/1/19/2719435/google-250m-android-devices-700000-activations-per-day-11b-market>.

[3] Federal Trade Commission, *FTC Gives Final Approval to Settlement with Google over Buzz Rollout.* (Oct, 24, 2011) <http://www.ftc.gov/opa/2011/10/buzz.shtm>.

[4] *Google 4Q Earnings Miss the Mark, Google Plus Hits 90M Subs,* The Wrap (Jan. 19, 2012) <http://www.thewrap.com/media/column-post/google-4q-earnings-miss-mark-google-plus-hits-90m-subs-34584>.

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Meanwhile, the social networking service Google+ crossed its 90 million user mark.[5] As for YouTube, 48 hours of video are uploaded every minute, 3 billion videos are viewed every day, and 800 million unique users visit YouTube each month.[6] Google Search's homepage receives over a 100 million unique visitors a month.[7]

Google's consolidation of its privacy policies potentially touches billions of people worldwide. As an Internet giant, Google has a responsibility to protect the privacy of its users. Therefore, we are writing to learn why Google feels that these changes are necessary, and what steps are being taken to ensure the protection of consumers' privacy rights. We request that you provide answers to the following questions:

1. Please describe all information that Google collects from its consumers now. How will this information change after the new privacy policy has been implemented?

2. How is the user's information collected (i.e. initial sign-up process, usage of mobile phone application, cookies, etc.)?

3. Please clarify how Google will use the new information it collects.

    a. Will you sell, trade, or rent user information? If so, who has access to users' personal information?

    b. For what purposes do the individuals who buy, trade, or rent user information from Google utilize user information? Does Google contractually establish limitations on the use of such data?

    c. Last year, hackers targeted Gmail users, including some White House staff. What security steps are you taking to protect the new information you are collecting? Does Google store this information in a form that is encrypted or otherwise indecipherable to unauthorized persons?

4. Please explain Google's process for sharing data across products, features, and services.

    a. Currently, what data is Google sharing across products, features, and services? When did this practice begin? After March 1, 2012, what data will be cross-shared?

    b. What products, features, and services were cross-sharing consumer data prior to March 1, 2012? Now that the change has been announced, what products, features, and services will cross-share data?

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[5] *Id.*

[6] YouTube: Statistics, Traffic <http://www.youtube.com/t/press_statistics>.

[7] Claire Cain Miller, *Google Plans to Protest SOPA on its Home Page*, N.Y. Times (Jan. 17, 2012) <http://bits.blogs.nytimes.com/2012/01/17/google-plans-to-protest-sopa-on-its-home-page/>.

c. Prior to March 1, 2012, please describe how Google notified its customers, including those who use its products without Google accounts, if and when cross-sharing was occurring. What options did the company give those customers for managing or opting out of this data sharing? After March 1, 2012, how can consumers manage or opt-out of cross-sharing of personal data?

d. What process do you use in determining whether to enable a new feature, product, or service to share data with another Google product, feature, or service? Are you currently in the process of exploring new cross-sharing avenues, including those related to geo-location services? If so, how will you notify consumers of any potential changes?

5. Please explain Google's practices regarding the archiving of user information, and how this will change once its new privacy policy is in place.

   a. Does Google offer users the option to permanently delete their personal information from its archives? If not, why not?

   b. Please describe the technical challenges faced when responding to users' requests for deletion of data. How long does it take for data to actually be removed?

   c. Does Google store or permanently delete user information once a user closes or deletes his or her Gmail account or Google+ account?

   d. If Google retains information from deleted accounts, how long is it archived and for what purpose?

6. According to an article in *The Washington Post*, "Consumers won't be able to opt-out of the changes, which will take effect March 1."[8] Please explain if consumers will have the option to opt-out of any data collection, usage practices, and information sharing between Google's many services, including Gmail, Google Search, and YouTube. If so, how can a consumer make this request successfully? If not, why not?

7. Does Google plan to offer distinct privacy protections for children and teens?

8. Please explain exactly how a user of an Android phone will be affected by Google's new policy? Is there any ability for users to opt-out, other than not purchasing and using an Android phone? How will Google's new policy affect users who do not use an Android phone but automatically stay logged in to their Gmail accounts on their phones?

9. How does Google plan to be open and transparent with its users concerning its new privacy policy?

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[8] Cecilia Kang, *Google Announces Privacy Changes Across Products; Users Can't Opt Out*, Wash. Post. (Jan. 24, 2012) < http://www.washingtonpost.com/business/technology/google-tracks-consumers-across-products-users-cant-opt-out/2012/01/24/gIQArgJHOQ_story.html?wpisrc=al_comboNE_b>.

10. Which Google products, features, and services on Google or third party devices and websites are subject to the new main privacy policy? Which are not? For each, please explain why each of these products were included or excluded from the new main privacy policy. For each, describe any changes under the new policy in the ways that data is allowed to be collected or shared (regardless of whether Google does or does not plan on making any immediate operational changes to data collection and sharing on these products, features, devices, or services).

11. What are the names of all of the Google products and services? For each product, are you able to use that product without logging in?

We request your responses to the above questions no later than February 16, 2012. If you have any questions regarding this request, please contact Brooke Ericson (Rep. Stearns) at 202-225-5744 or Tiffany Benjamin (Rep. Waxman) at 202-225-3641.

Sincerely,

Cliff Stearns
Chairman
Subcommittee on Oversight & Investigations

Henry Waxman
Ranking Member
Energy and Commerce

Joe Barton
Co-Chairman
Congressional Bipartisan Privacy Caucus

Edward J. Markey
Co-Chairman
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