
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

Google establish and maintain a comprehensive privacy program that addresses privacy risks related to new and existing products and services. 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 innovation in the area of privacy-enhancing technologies, such as methods for obtaining express affirmative consent, 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 Google's products, services, and business practices, Google must use reasonable and appropriate procedures to address these risks or it could face substantial civil penalties.

Furthermore, Google must obtain an assessment report from a qualified, independent third-party professional, certifying that Google 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. To the extent that past misrepresentations occurred because Google had failed to implement reasonable and appropriate procedures to protect privacy, the Commission believes the proposed order will address this issue going forward.

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