

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

Office of the Secretary

October 13, 2011

Frederic Thu
Cabinet CLEX
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-titled 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" 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 identifiers 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 protec