



Chairwoman Edith Ramirez
Commissioner Julie Brill
Commissioner Maureen K. Ohlhausen
Commissioner Joshua D. Wright
Federal Trade Commission
600 Pennsylvania Avenue, N.W.
Washington, D.C. 20580

Jan. 21, 2014

Re: Formal Complaint Regarding Google's Social Network, Google+

Dear Chairwoman Ramirez and Commissioners Brill, Ohlhausen and Wright:

I am writing on behalf of Consumer Watchdog, a nonprofit, nonpartisan public interest group, to lodge a formal complaint about Google's social network, Google+. A flagrant and fundamental privacy design flaw, which has drawn numerous consumer complaints that have been ignored by the Internet giant, is an unfair practice and a violation of Section 5 of the Federal Trade Commission Act. Moreover, a newly announced "feature" that would allow people to send emails to Gmail accounts without knowing their email address, violates the "Buzz" Consent agreement. First, Consumer Watchdog urges you to take immediate action to halt the unfair practice, which allows people to be forced to be associated with people with whom they do not wish to be connected. Second, we call on you to block Google's announced plan to open Gmail users' inboxes to anyone on the Google+ social network.

Immediate action on both these issues is even more important because of the way Google, in an apparent quest to grow the subscriber base as rapidly as possible, allowed Google+ to become a virtual playground for online predators and explicit sexual content. Periodic monitoring of the service since last March through September by a tech industry whistleblower demonstrated the problem. Consumer Watchdog shared the whistleblower's report with Google in December and some of the most salacious and offensive accounts were deleted. I am enclosing a copy of that report with this letter. We believe that some of the network's algorithmic suggestions and the fundamentally unfair privacy flaw continue to make the service vulnerable to abuse.

To understand the unfair practice that violates Section 5 it is necessary to compare Google+ with other social networks such as Facebook. In Facebook for example, a person receiving a request from an individual to be their "friend" must approve that request. If the person chooses not to accept, he or she is in no way associated with the individual.

On Google+ any individual can add a user to his "Circles." If the user does not appreciate the posts he receives from them, they can block the individual. However, if anyone visits the person's profile and he has opted to display publicly who is in his Circles, the user's name and picture will still appear there. The second user cannot remove himself from the first user's Circles, no matter what, once that person has placed them in their Circles. A user can be forced to be publicly associated with someone with whom they do not wish to be associated. This is a fundamental privacy flaw and must be fixed. People must have the right to choose with whom

they are associated. Operating a social network as Google is doing in a blatant attempt to build traffic and the user base is an unfair business practice violating Section 5.

Compounding this unfair practice is a newly announced plan that would allow anyone with a Gmail account to send an email to another Gmail user's inbox without knowing the address, but only the person's Google+ account name. The person wanting to send the email would simply add the targeted person to his Circles. Then when the name is typed in Gmail, the person is auto-suggested and the message can be sent. This is an obvious invasion of a person's privacy and a delight for potential stalkers. As demonstrated by the attached report, Google needs to be policing its network, not making things easier for predators. Google plans to make the ability to receive an email from any Google+ user the default mode. While it is possible to opt out of privacy intrusions, many – if not most – people will stay with the default setting.

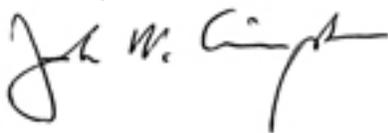
This Google+/Gmail feature clearly shares information with third parties in ways that are different than when much of the information was gathered. It is a material change from past information and data sharing practices on Google+ and Gmail. According to Section II (B) of the "Buzz" Consent Agreement, Google must "Obtain express affirmative consent from the user to such sharing." The Gmail/Google+ link as announced on Jan. 9 does not provide for affirmative consent when it is an opt-out choice rather than an opt-in decision. Perhaps a few people would like to receive messages from total strangers. That would be an allowable opt-in choice. The current plan violates the Buzz agreement.

Consumer Watchdog has been monitoring and testing the new Gmail/Google+ feature since it was announced on Jan. 9. As I write, it does not appear to have been fully implemented across the system. Consumer Watchdog calls on the FTC to ensure that if Google goes ahead with its plans, the feature is offered only on an opt-in basis. If the Internet giant goes forward with the opt-out choice, the company must be held fully accountable for violating the "Buzz" agreement.

Consumer Watchdog calls on the Commission to use your Section 5 authority and halt the unfair practice that is at the heart of Google+'s privacy intrusions: allowing someone to be placed in another person's Circles when they have no wish to be there. You must also ensure that the "Buzz" Consent Agreement is fully enforced and that Google obtain "express affirmative consent" before changing data sharing practices.

Thank you for your consideration.

Sincerely,



John M. Simpson, Privacy Project Director

CC: Jessica L. Rich, Director Bureau of Consumer Protection
James Kohm, Associate Director Division of Enforcement
Meensha Mitahl, Associate Director Division of Privacy & Identity Protection

Enclosure: Report -- *Google+: A Playground for Online Predators?*