



Formerly The Foundation for Taxpayer & Consumer Rights

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Dec. 19, 2008

Eric Schmidt
Chairman and Chief Executive
Google Inc.
1600 Amphitheatre Parkway
Mountain View, CA 94043

Dear Mr. Schmidt:

Events this week have focused new attention on the privacy of personal data gathered by Internet search providers. Yahoo! has announced that it will anonymize data after 90 days, in direct response to privacy concerns. While matching this would be a step in the right direction, Google, as the industry leader, must do more. Users should be able to have identifiable personal data removed from your servers immediately, as is offered by Ask.com's AskEraser service. We call on you to offer Google's users such a clearly identifiable "opt out" function on its search engine that is essentially a zero personal data retention policy.

As we explain below, we wish to meet with you to discuss our privacy concerns regarding Google's products and services. We appreciated many of your public remarks at your speech last month in Washington, D.C., and your expressed willingness to meet with us.

Unfortunately, Google's earlier response to our concerns, in a Nov. 26 letter signed by senior product counsel Michael T. Yang, was very disappointing. The letter ignores our specific proposals and distracts from a meaningful discussion about Google's privacy practices by rebutting issues we did not raise.

Google, because of its dominance on the Internet, stands alone as the entity most able to set and maintain a gold standard for protecting privacy. Conversely, it could also be the company that sounds the death knell for privacy protections on the Internet.

Google stands at a public image crossroads as well. Google has slipped from the list of the Top 20 trusted companies in the United States just released by Ponemon Institute and TRUSTe, after being in the top ten last year and the year before. In addition, a poll of the audience after the Rosenkranz Foundation's Oxford-style debate on Google Nov. 18 in

New York, half the attendees believed Google practices its corporate philosophy, "Do no evil," while half did not. Where the company falls on user privacy may well tip that scale.

To guarantee privacy, users need: 1) control over their private data; 2) transparency about how their data is gathered and used; and 3) the right to give informed consent through "opt in" functions, rather than having to sift through pages in order to even locate the "opt out" function, or in its absence a clearly identifiable and accessible "opt out."

In our letter of Oct. 13 we offered specific suggestions regarding enactment of these three principles and enabling users to make an informed decision about what they will sacrifice in return for Google's services.

Rather than discuss our proposals, Mr. Yang's letter rebuts issues we have not raised and misstates our position. For instance it says "a significant part of your privacy concerns centers on the possibility of interception through packet sniffing" and points out that "Google does not facilitate packet sniffing." We never said or implied that Google does so. We did use a packet sniffer in our video to demonstrate how Google users are in an unnoticed conversation with Google as data flows to your servers. Users must understand this automatic communication to determine how they wish to use Google websites and products and whether they wish to provide Google with identifiable personal data.

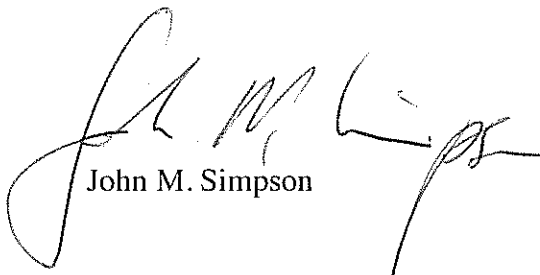
Perhaps there are technical reasons why our earlier suggestions cannot be implemented (something Consumer Watchdog cannot determine until we finally meet.) What matters most is that the three principles guaranteeing user privacy -- user control of data, transparency about data collection and use, and a policy of opt-in with informed consent -- be implemented and strictly adhered to.

We look forward to meeting with you at your earliest convenience to discuss our specific suggestions and other possible enhancements of user privacy protection to make Google the standard bearer for privacy on the Internet.

Sincerely,



Jamie Court



John M. Simpson

Cc: Michael T. Yang