



Feb. 14, 2012

Rep. Mary Bono Mack, Chair
Commerce, Manufacturing and Trade Subcommittee
House Energy and Commerce Committee
2125 Rayburn House Office Building
Washington, D.C.

Rep. G.K Butterfield, Ranking Member
Commerce, Manufacturing and Trade Subcommittee
House Energy and Commerce Committee
2322A Rayburn House Office Building
Washington, D.C.

Dear Chair Bono Mack and Ranking Member Butterfield,

I am writing on behalf of Consumer Watchdog to urge you to call Google's CEO Larry Page to testify before your committee to explain his company's disingenuous statements about its supposed commitment to users' privacy. Various Google executives dispatched to Congress in the past have voiced high-sounding commitments to privacy protections, only to have them flouted by the Internet giant's later action. As Google's chief executive, the buck stops with Mr. Page. He should be called to explain the difference between his underlings' statements and the company's actions, particularly the recently announced change in Google's privacy policy and how it handles user data across its services.

As recently as July 2010, Dr. Alma Whitten, now Google's Director of Privacy, Product and Engineering, testified to the Senate Commerce Committee that "Our last three principles give substance to what we mean by privacy: We commit to transparency, user control and security." The most recent changes flout all of these principles.

Google's new policy, effective March 1, will combine more than 60 privacy policies across services including Search, Gmail and YouTube. The changes are being spun by the company as providing "a simpler, more intuitive Google experience." In fact it is all about leveraging users' data to maximize Google's targeted ad revenues, while giving consumers no meaningful control of their information. Previously, personal information was kept separate in each of Google's services. These new combined digital dossiers are tremendously powerful for targeting ads, something that Google does not mention.

Despite Dr. Whitten's promise of "user control," users will have no say in whether their data is merged, providing much more complete personal profiles, location and browsing data to advertisers. If Google were truly committed to "user control," it would ask users to "opt in" to these substantive changes in its data handling, rather than imposing them across the board.

Your committee met behind closed doors with Google Deputy General Counsel Mike Yang and Public Policy Director Pablo Chavez for a briefing about the new policies. According to news accounts of that meeting you did not believe their responses were adequate.

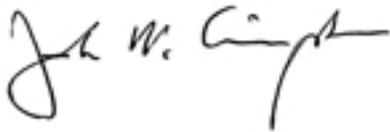
The new privacy policy violates Google's consent agreement with the Federal Trade Commission in which it agreed that it would not use people's information in new ways without seeking opt-in consent. The Electronic Privacy Information Center (EPIC) has filed a complaint and motion that would require the FTC to enforce the consent agreement.

Google's practices affect millions of Americans. Google is so dominant on the Internet that for many people Google *is* the Internet.

You must not allow Google to escape legitimate privacy concerns by sending underlings whose high-sounding pledges prove to be empty or whose answers prove insufficient in closed-door meetings. It is the chief executive who is ultimately responsible for the company's behavior.

Consumer Watchdog urges you to call Google CEO Larry Page before the committee in a public hearing and ask him to explain why Google does not honor its promise of users privacy rights.

Sincerely,

A handwritten signature in black ink, appearing to read "John M. Simpson". The signature is fluid and cursive, with a long horizontal stroke at the end.

John M. Simpson
Privacy Project Director