



March 1, 2011

David Vladeck
Director
Bureau of Consumer Protection
Federal Trade Commission,
Washington, DC
20580

Dear Mr. Vladeck,

I am writing because Google's recent gathering of children's personally identifiable information in connection with its "Doodle 4 Google" contest suggests that the company has failed to live up to commitments that prompted the Bureau of Consumer Protection to end its inquiry into the Wi-Spy incident.

In your Oct. 27 letter to Google's lawyer, Albert Gidari, you wrote that when information is personally identifiable or reasonably linked to a specific consumer "Google should develop and implement reasonable procedures, including collecting information only to the extent necessary to fill a business purpose, disposing of the information no longer necessary to accomplish that purpose, and maintaining the privacy and security of information collected and stored."

You noted that among the reasons the Bureau was dropping the Wi-Spy investigation was that "Google has recently announced improvements to its internal processes to address some of the concerns raised above including appointing a director of privacy for engineering and product management; adding core privacy training for key employees; and incorporating a formal privacy review process into the design phases of new initiatives."

Now, only a few months later, Google again has another high-profile privacy breach. In what Congressmen Ed Markey and Joe Barton last week described as "sketchy practices," Google was gathering children's social security data, date of birth and birthplace on its "Doodle 4 Google" entry forms. There is no legitimate business reason to gather such sensitive information about children. Either Google did not implement the promised changes in process or they are woefully inadequate.

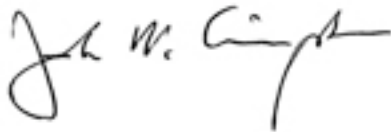
In the "Doodle 4 Google" contest, the company invites "K-12 students to use their artistic talents to think big and redesign Google's homepage logo for millions to see." Google's handling of the children's personal identifiable information raises these questions:

1. Did Google actually follow through on its commitments to the FTC to incorporate a formal privacy review for new programs? Or were those promises hollow, and is "Launch First, Fix Later" still in the marching orders at Google?

2. If the “Doodle 4 Google” program did go through a formal privacy review, who approved the collection of Birthplace and Social Security number data? By what criteria within Google was this deemed appropriate?
3. While Google eventually stopped gathering the Social Security data, why did Google continue to collect birthplace information about these children? Has the director of privacy within Google actually approved this? Were other, less intrusive requests ever considered?
4. Google claims that the Social Security numbers “were not entered into [its] records and will be safely discarded,” which seems self-contradictory. If the numbers weren’t entered into Google’s systems, then where are they being stored until being discarded?

The Bureau ended its Wi-Spy probe in part because it believed Google was implementing improved privacy procedures. However, the “Doodle 4 Google” incident shows the Internet giant still does not get it and its processes are inadequate. I urge the Bureau to hold Google accountable for its failure and to ensure that Google executives understand their responsibility to protect consumers’ privacy in the future. If a company is able to avoid meaningful penalties with empty promises of improved future behavior, the entire regulatory and enforcement process is undermined.

Sincerely,

A handwritten signature in black ink, appearing to read "John M. Simpson". The signature is fluid and cursive, with the first name "John" being the most prominent.

John M. Simpson
Consumer advocate

Cc: Rep. Ed Markey
Rep. Joe Barton
Chairman Jon Leibowitz