



Acting Chairman Maureen Ohlhausen
Commissioner Terrell McSweeney
Federal Trade Commission
United States Federal Trade Commission
600 Pennsylvania Avenue, N.W.
Washington, D.C. 20580

Dec. 19, 2017

Re: Complaint Regarding Home Digital Assistants' Threat to Privacy

Dear Chairman Ohlhausen and Commissioner McSweeney:

I am writing on behalf of Consumer Watchdog, a national nonprofit and nonpartisan public interest group, to make a formal complaint about Google Home and Amazon Echo, two digital assistants that are being aggressively marketed this holiday season. There are two reasons to investigate Google and Amazon and take action to protect consumers.

First, we believe that these privacy invading devices are being pushed into homes under false pretenses, which would be an unfair and deceptive practice in violation of Section 5 of the Federal Trade Commission Act.

Second, the devices appear to be gathering personal information about children when they record and analyze their voices without adequate parental consent. This violates the Children's Online Privacy Protection Act.

Our first concern stems from patents that Google and Amazon have filed regarding uses for the devices which reveal plans for massive surveillance of users' homes. The applications filed with the U.S. Patent and Trademark Office reveal a vision for an Orwellian future in which digital assistants eavesdrop on everything from conversations to your toilet flushing habits to children's movements and the books on bedside tables. They would know when you go to sleep and whom you wake up with. Read our study of the applications here:

<http://www.consumerwatchdog.org/sites/default/files/2017-12/Digital%20Assistants%20and%20Privacy.pdf>

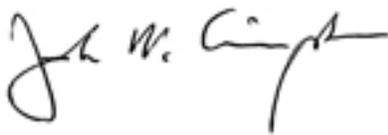
Google and Amazon are pushing their devices into homes and assuring consumers that the devices only record their voices and send their data to corporate servers to analyze their conversations after a so-called "awake" word is uttered. Consumer Watchdog is concerned that Google and Amazon might already be violating that policy and call on you to investigate what exactly are their current collection practices. Even if they are the current policy, we believe there is deception involved. The digital devices are being pushed into homes with the promise that collection will be governed by the "awake" word, yet patents that have been filed outline far more privacy invasive practices. The goal is to get the devices distributed and then to change their terms of service. That is flat out deception. We believe the patents clearly show the companies' intent.

The intent to use digital assistants to monitor and track a child's behavior is made clear by a Google patent that outlines a method to "infer mischief" on the part of the child.

COPPA appears to be violated unless a child's spoken words being recorded and analyzed by Google Home or Amazon Echo involve a conversation with a parent. How else could consent have been given? Another troubling scenario would be when one child and a friend speak to the device. Perhaps the companies have figured an acceptable way to obtain consent from the parent of the child whose home houses the device – though we don't see what it would be – but how does the parent of the other child, who is not present, give meaningful consent?

Home digital assistants may offer some convenience, but they come at the price of a tremendous and growing threat to consumers' privacy. Their current deployment and use appears to violate COPPA. Patents the companies have filed about future uses show the devices are being pushed into our homes in way that is meant to deceive about their future use and lull us into accepting them. Consumer Watchdog calls on the Commission to investigate and take action to protect consumers' privacy.

Sincerely,

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

John M. Simpson
Privacy Project Director