

Congress of the United States
Washington, DC 20515

January 27, 2012

The Honorable Jon Leibowitz, Chairman
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20001

Dear Chairman Leibowitz:

Google recently announced that the company plans to make changes to its privacy policies and terms of service that will allow sharing of users' personal information across its many products. In light of the consent agreement Google reached with the Federal Trade Commission (FTC), we call on the FTC to investigate whether Google's proposed changes violate this agreement.

According to Google's website, under the new privacy policy the company "may combine personal information from one service with information, including personal information, from other Google services."¹ This new policy would allow Google to follow the activities of users across nearly all its services, including Gmail, Google Search, Google+, and YouTube. For example, the content of a user's search across any of the Google products could be used for behavioral advertising purposes in each one of those products. Google also announced that consumers will have no choice but to either accept the new policy or stop using the company's services.² This new policy and omission of a consumer opt-out option on a product-by-product basis raises a number of important privacy concerns.

Google's proposed move comes less than a year after the company reached a settlement with the FTC. The Commission had alleged Google of using deceptive tactics and violating its own privacy promises to consumers when Google Buzz was launched in 2010. Google and the FTC agreed on a settlement that bars the company from future privacy misrepresentations; requires Google to implement a comprehensive privacy policy; and initiates regular, independent privacy audits of the company for the next two decades.³

As co-Chairmen of the Congressional Bi-Partisan Privacy Caucus, we are interested in any actions the FTC has taken or plans to take to investigate whether Google has violated the terms of its consent agreement.

¹ Preview:Privacy Policy. (n.d.). Retrieved January 27, 2012, from <http://www.google.com/intl/en/policies/privacy/preview/>.

² One Policy, one Google experience. (n.d.). Retrieved January 27, 2012, from <http://www.google.com/policies/>.

³ FTC Gives Final Approval to Settlement with Google over Buzz Rollout. (2011, October 24). Retrieved January 27, 2012, from <http://www.ftc.gov/opa/2011/10/buzz.shtm>.

Thank you for your attention to this important matter. Please provide a response to us no later than February 21, 2012. If you have any questions, please have a member of your staff contact Joseph Wender in Congressman Markey's office (202-225-2836) or Emmanuel Guillory in Congressman Barton's office (202-225-2002).

Sincerely,



Edward J. Markey
Co-Chairman
Congressional Bi-Partisan Privacy Caucus



Joe Barton
Co-Chairman
Congressional Bi-Partisan Privacy Caucus