



July 23, 2009

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

Re: Reader privacy and Google Book Search

Dear Dr. Schmidt:

The American Civil Liberties Union of Northern California, the Electronic Frontier Foundation and the Samuelson Law, Technology & Public Policy Clinic at Berkeley Law School write to you jointly today because of our strong support for increased access to books for all people and our grave concern that in designing Google Book Search, you are leaving the crucial component of reader privacy behind.

Google has put extensive resources into planning how it will dramatically expand its Google Book Search service, but seems to have made woefully little effort to articulate how it intends to adequately protect reader privacy as part of this giant project. Under its current design, Google Book Search keeps track of what books readers search for and browse, what books they read, and even what they “write” down in the margins. Given the long and troubling history of government and third party efforts to compel libraries and booksellers to turn over records about readers, it is essential that Google Books incorporate strong privacy protections in both the architecture and policies of Google Book Search. Without these, Google Books could become a one-stop shop for government and civil litigant fishing expeditions into the private lives of Americans.

As you know, Google seeks court approval to digitize and make available online millions of the country’s books, a great number of them belonging to libraries. As it does so, we urge you to assure Americans that Google will maintain the security and freedom that library patrons have long had to read and learn about anything from politics to health to science without worrying that someone is looking over their shoulder or could retrace their steps. This effort must include, at a minimum:

- 1) **Protection Against Disclosure:** Readers should be able to use Google books without worrying that the government or a third party is reading over their shoulder. Google needs to promise that it will protect reader records by responding only to properly-issued warrants from law enforcement and court orders from third parties. It also must promise that it will let readers know if anyone has demanded access to information about them.
- 2) **Limited Tracking:** Just as readers can anonymously browse books in a library or bookstore, they should also be able to search, browse, and preview Google books without

being forced to register or provide any personal information to Google. And for any of its Google Book Search services, Google must not keep logging information longer than 30 days. Google should also not link any information it collects about reader use of Google Book Search to that reader's usage of any other Google services without specific, affirmative consent.

- 3) **User Control:** Readers should have complete control of their purchases and purchasing data. Readers should be able to delete their records and have extensive permissions controls for their "bookshelves" or any other reading displays to prevent others from seeing their reading activities. Readers should be able to "give" books to anyone, including to themselves, without tracking. Google also should not reveal any information about Google book use to credit card processors or any other third parties.
- 4) **User Transparency:** Readers should know what information is being collected and maintained about them and when and why reader information has been disclosed. Google needs to develop a robust, enforceable privacy policy and publish the number and type of demands for reader information that are received on an annual basis.

As you may know, our organizations have been in discussions with Google representatives about these and similar issues for several months. We have presented a more complete and technical list of privacy safeguards that must be incorporated into Google Book Search to properly protect reader rights. We hope that these efforts, plus the additional voices of the public today and in the weeks ahead, will convince you that taking strong affirmative, enforceable steps to protect reader privacy on Google Book Search will be good both for the public and for Google and help pave the way for this important and exciting endeavor to reach its full potential. Increasing access to books is a very important mission that we strongly support, but readers must not be forced to pay for digital books with their privacy.

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Technology and Civil Liberties Director, ACLU of Northern California

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Samuelson Law, Technology & Public Policy Clinic