

State Attorneys General

A Communication from the Chief Legal Officers of the Following States:

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July 3, 2013

Via First Class Mail

Mr. Larry Page
Chief Executive Officer
Google, Inc.
1600 Amphitheatre Parkway
Mountain View, CA 94043

Dear Mr. Page:

On February 22, 2012, we wrote to you to express the strong concerns among state attorneys general with Google's new unified privacy policy. That new privacy policy – implemented without a meaningful opportunity for Google users to opt out – subjected users to a privacy regime in which the information they provided to one Google product or service could be combined or otherwise associated with all other Google products and services without their specific consent. Users seeking to avoid this new privacy regime could only do so through ceasing to use Google products and services altogether. For example, it appeared that a user wishing to keep location information associated with her Google Maps account separate from information associated with other Google products would have to stop using all Google products.

In our letter, we requested a prompt response from you prior to Google's implementation of the new privacy policy, as well as an opportunity to meet with Google representatives to discuss our concerns further. Your response led to a dialogue among our offices on ways Google can improve notice to Google users about how it collects and synthesizes user information (“privacy notices”) and ways Google can improve users' control over the information they provide to Google (“privacy controls”).

Although we are disappointed that Google implemented the new unified privacy policy in the way it did, we have since been encouraged by Google's willingness in the subsequent year to address our concerns about the possible privacy-reducing effects of its policy on consumers using Google products, and to improve its consumer education going forward. Specifically, we are encouraged by three changes Google has made that reflect attention to concerns we raised in our February 2012 letter and subsequent communications: improved consumer education about managing privacy on Google, improved notice of and access to existing Google privacy controls, and implementation of a new Google privacy tool.

1. Educating consumers about ways to keep information associated with one Google service separated from information associated with another Google service.

Our primary concern with Google's implementation of its new unified privacy policy was that it was not accompanied by adequate notice to consumers on how they can keep their use of Google products – and associated data collection – separate, e.g. if they wanted to use Gmail or Google Docs for work, but wanted to use YouTube or Google Maps for personal searches.

After bringing this to the company's attention, we are pleased to see that Google has responded by providing consumer education about how to use multiple Google accounts to keep different aspects of one's life separate (<http://www.google.com/goodtoknow/online-safety/accounts/>). We are also pleased that Google now provides education about signing out of Google accounts altogether, to reduce unwanted data collection (<http://www.google.com/goodtoknow/online-safety/signing-out/>).

We still think much more needs to be done in this area. For example, more needs to be done to make information about data collection and other privacy concerns readily accessible to consumers. Currently, consumer education is readily accessible from Google Search (reachable by clicking "Privacy & Terms" and then "Good to Know" on Google's "Policies & Principles" page), but hard to find in other Google products, including many Google apps running on mobile devices. Google should make this education more easily accessible across all Google products and across all devices capable of running Google so that consumers can better learn how to protect themselves from unwanted data collection.

2. Better displaying to consumers what privacy controls are already available to them to view and manage the information they share in the Google ecosystem.

An additional concern with Google's implementation of its new privacy policy was that it came at a time when consumers could not meaningfully educate themselves on what information Google was already collecting about them, or how they could view and manage that information. Google had some privacy controls in place, like Dashboard, but those controls were hard to find, and they did not present information in a way that empowered consumers to manage their privacy effectively.

Google has responded to this concern in multiple ways. First, it has redesigned its "Accounts" page to more clearly highlight privacy controls like Dashboard and to better enable consumers to manage their connected accounts and their traceable Web history. *See* Fig. 1. It has added dropdown menus directly from the main "Account" tab on that page that enable consumers to access Dashboard and download data Google has collected about them from specific Google services they are using, and that link consumers to "Me on the Web," a Google feature that allows consumers to view what information others can see about them on Google Search and Google+ ("Me on the Web" has also been enhanced in recent months). The page also provides links to tools for deleting one's Google+ profile and for closing one's Google account completely (an action that removes all data associated with the account).

Second, it has improved the visibility of the “Accounts” page for consumers creating new Google accounts by modifying its account creation user interface (UI), specifically by directing new Google users to their “Accounts” page, through new text on the final account sign-up screen and an arrow on that screen pointing new Google users to the gear icon that connects them to their “Accounts” page, so that they will know from the start where to access Google account controls, including privacy controls. *See* Fig. 2. Because the new Google account creation process only involves three screens, this text and the arrow directing new users toward their account controls are helpful in showing consumers how to manage the information they share with Google. We have pressed Google to do more to bring its existing privacy controls to the attention of new users, such as including prominent hyperlinks to these controls on the final account sign-up screen, but these UI changes are a helpful step. We expect Google to continue to improve how it provides this initial notice about privacy controls.

Third and most recently, Google has redesigned its “Policies & Principles” page. *See* Fig. 3. Consumers who click on “Privacy & Terms” from the Google Search page are now taken to a single page that explains Google’s privacy controls, like Google Account Settings and Incognito Mode, and provides prominent links to Google’s “Good to Know” consumer education materials.

As with the concerns pointed out in Section 1 above, we still think more needs to be done in this area. For example, Google’s privacy policy should be clearly identified and directly linked from Google’s homepage, as well as the first significant page of any other Google product or service (e.g., Google Drive does not have a direct link to Google’s privacy policy). Additionally, the new “Policies & Principles” page should itself be more readily accessible from other Google services or other devices. Greater accessibility to this educational material will better enable consumers to learn how to protect themselves from unwanted data collection. Google also should continue to find ways to make its existing privacy controls more intuitive for consumers to locate.

3. Providing new privacy controls to enable consumers to view and manage what information is being collected about them across various Google services.

Existing privacy controls aside, the undersigned attorneys general have been very concerned that consumers have no one place they can go to view and manage the vast amount of information that Google collects and analyzes about them across different products. This general concern about opaque data collection and analytics gave rise to our deep unease with the new unified privacy policy, which enables all of that information to be combined without specific consent.

Google has been responsive on this front as well. After we opened a dialogue, Google introduced a new privacy control tool called “Account Activity Report.” *See* Fig. 4. Consumers who sign up for the Account Activity Report receive a monthly report displaying, on a single web page, specific information that Google has collected about them during the prior month related to their account, their locations (via their browsers and Google Latitude), their shared photos (via Picasa), their email activity (via Gmail), their YouTube activity, and their Web

history (via Search). This report is organized by product, and consumers can hover over each product contained in the report to reveal hyperlinks for privacy controls specific to that product.

The Account Activity Report appears to still be in a beta version, and we believe that it needs improvements both in the type of collected data it displays and in the visibility of the product-specific privacy controls it offers for the data it currently displays. More also needs to be done to make users aware of this tool; to this end we are pleased that Google has followed our suggestion to make links to it available right from the “Accounts” page in multiple places, including directly below the user’s profile. *See Fig. 1.* Still, the Account Activity Report is a valuable resource and we are encouraged that Google has acted to give consumers a richer picture of the information it collects about them.

* * *

We appreciate Google’s efforts to respond to the privacy concerns we raised in our February 2012 letter and to the many privacy concerns consumers have expressed in other fora. The changes described above will better empower consumers to be informed about the information Google collects about them, to manage the extent to which that information is collected, and to manage how that information is combined across Google products.

We are still greatly concerned about the ways in which Google collects consumer information, e.g., information it collects about activity across web sites; the ways in which the consumer information Google collects is connected to its advertising and analytics services; and the potential for collected information to be combined and analyzed without specific consumer consent. We think more transparency to consumers is needed in this area, through measures such as clearly identified and direct links to Google’s privacy policy from Google’s homepage, and we look forward to continuing our dialogue with Google about these issues in the future.

We also think more needs to be done to enable consumers to review and delete data that has been collected about them from specific Google products. It is critical for consumers to have meaningful control over information they would like to be kept private, and we expect Google to do its part to better alert consumers to information it is collecting and equip them to halt specific instances of collection in the name of privacy.

In the interim, we will continue to closely monitor Google’s activities related to consumer privacy. We trust that the company will do its part to ensure that the information consumers share with Google is appropriately protected and to keep consumers informed and in control of how and when that information is used and shared – in the aggregate or otherwise – with others.

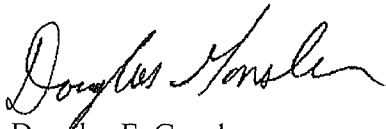
Online technology is constantly evolving, and innovation is welcomed, but innovation should not come at the expense of consumer protection. Changes to how Google treats consumers’ information should not be treated like automatic software updates; they should be treated like new decision points for consumers, requiring consumer consent. If the changes sufficiently protect the privacy of that information, consumers likely will decide to continue using Google’s

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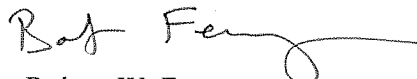
products. If the changes appear to improperly put that information at risk or up for sale, consumers have the right to avoid the consequences through opting out.

We know that Google is aware of the need for strong protections for consumers' information and we, as the chief enforcers of state consumer protection laws, look forward to continuing to work with Google to ensure that the company puts strong protections in place.

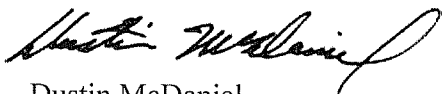
Respectfully,



Douglas F. Gansler
Maryland Attorney General



Robert W. Ferguson
Washington Attorney General



Dustin McDaniel
Arkansas Attorney General



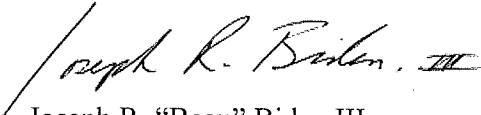
Tom Horne
Arizona Attorney General



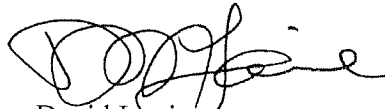
Kamala Harris
California Attorney General



George Jepsen
Connecticut Attorney General



Joseph R. "Beau" Biden III
Delaware Attorney General



David Louie
Hawaii Attorney General

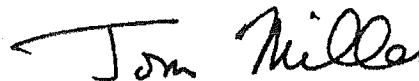


Bruce B. Kim, Executive Director
Hawaii Office of Consumer Protection¹

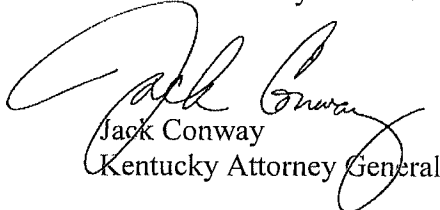


Lisa Madigan
Illinois Attorney General

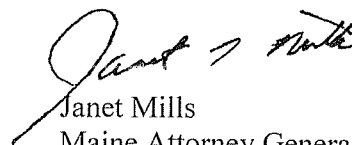
Greg Zoeller
Indiana Attorney General



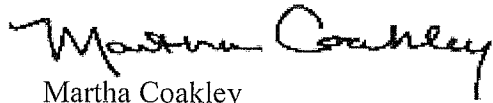
Tom Miller
Iowa Attorney General



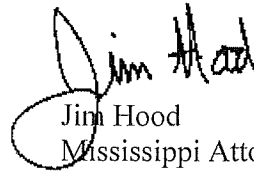
Jack Conway
Kentucky Attorney General



Janet Mills
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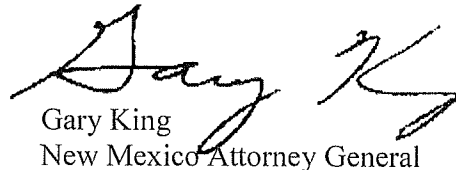
Martha Coakley
Massachusetts Attorney General



Jim Hood
Mississippi Attorney General



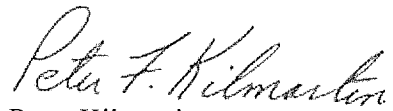
Joseph Foster
New Hampshire Attorney General



Gary King
New Mexico Attorney General



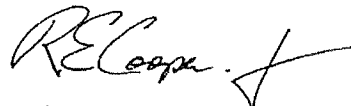
Roy Cooper
North Carolina Attorney General



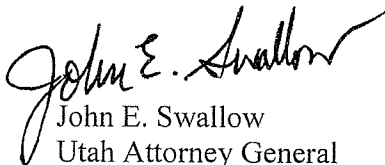
Peter F. Kilmartin
Rhode Island Attorney General



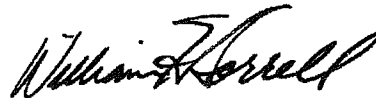
Marty J. Jackley
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Robert E. Cooper, Jr.
Tennessee Attorney General



John E. Swallow
Utah Attorney General



William H. Sorrell
Vermont Attorney General

ⁱ The State of Hawaii Office of Consumer Protection is an agency which is not part of the state Attorney General's Office, but which is statutorily authorized to undertake consumer protection functions, including legal representation of the State of Hawaii.

Figure 1: Google's New "Accounts" Page

The screenshot shows the Google Accounts management interface. A navigation menu on the left includes 'Account', 'Account Activity', 'Dashboard', 'Download your data', 'Me on the Web', 'Security', 'Profile and privacy', 'Google+', and 'Products'. The main content area is divided into several sections: 'Email' (with 'Primary email address' and 'Recovery email address'), 'Phone numbers', 'Language' (set to 'English (United States)'), 'Storage' (25 GB used of 55 GB), 'Account Management' (with a sub-section for deleting the profile), 'Account Activity' (last sign-in and countries), and 'Password' (changed 3 months ago). A 'More' link is present for Account Activity. At the bottom, there are 'Other tools' for managing connected accounts and web history. Annotations include a circle around the left navigation menu, a circle around the 'Delete profile and remove related Google+ features' link, and a circle around the 'Other tools' section. Arrows point from text annotations to these elements.

Accounts

New drop-down menu from the "Accounts" tab.

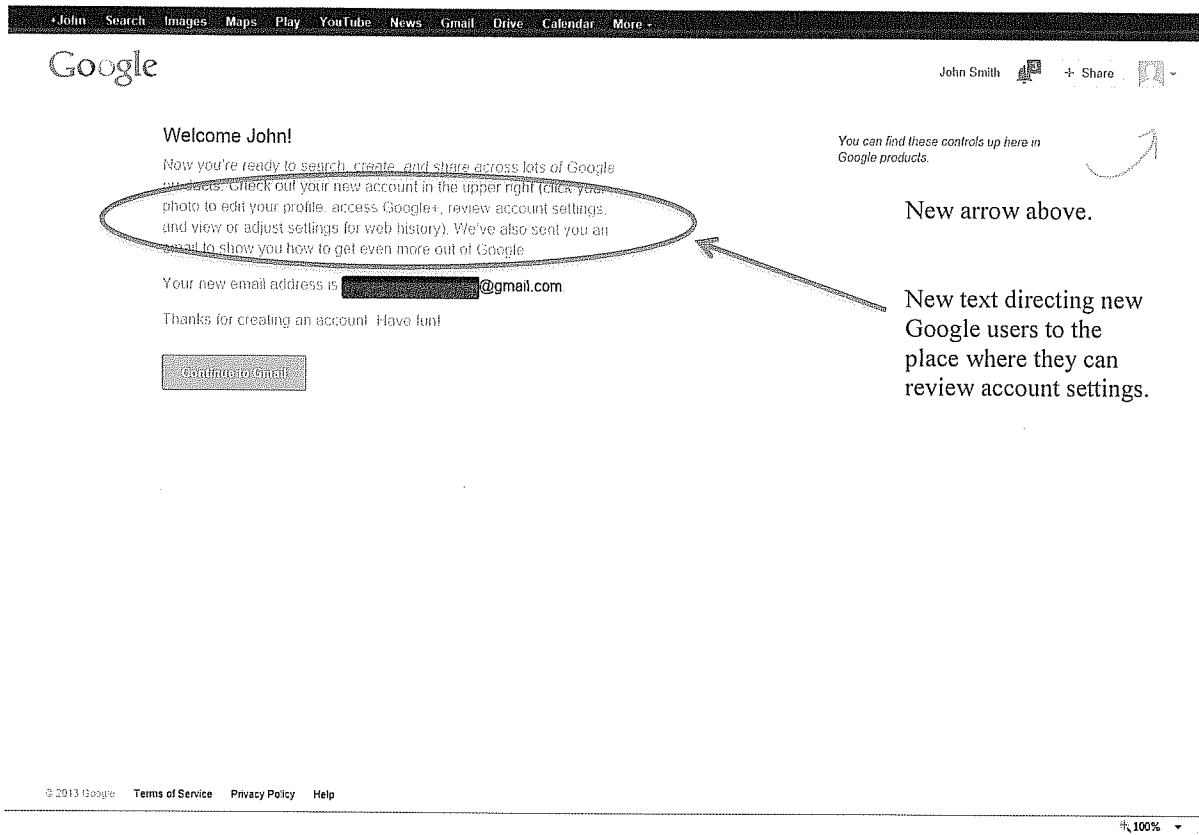
Account management options displayed in an easy-to-find location.

Links to other privacy tools.

©2013 Google - Google Home - Privacy & Terms - Help

SEND FEEDBACK
75%

Figure 2: Google's New Account Creation Page



You can find these controls up here in Google products.



New arrow above.


New text directing new Google users to the place where they can review account settings.

Figure 3: Google's New "Policies & Principles" Page

Google Policies & Principles


Overview

We are committed to improving your security, protecting your privacy, and building simple tools to give you choice and control.



Good to Know

We aim to provide you with the world's strongest security and privacy tools. Security and privacy matter to us, we know how important they are to you and we work hard to get them right. Our Good to Know site helps you and your family stay safe online. Visit to learn more and understand how Google helps protect you, your computer and the Internet from cybercrime.



Stay safe and secure online

We work continuously to ensure strong security, protect your privacy, and make Google's even more useful and efficient for you. We give you the tools and controls to decide what you share, with whom and how—and we make it safe and hassle-free.

2-Step Verification

2-step verification makes your Google account safer by protecting it with something you know (your password) and something you have (your phone). Find out how to set up 2-step verification.

Google Account Settings

On your Account settings page, you can see services and information associated with your Google Account and change your security and privacy settings. Visit Google Account settings.

Incognito Mode

In Incognito mode in Google Chrome, pages you open and files you download aren't recorded in Chrome's browsing or download history. Find out how to access Incognito mode.

Our legal policies

Some of you don't like to read legal documents, but this stuff matters. Our Terms of Service cut through the jargon and provide you with clear details about our policies. Our Privacy Policy lays out our policies regarding your information in a simple and straightforward way.

- Terms of Service
- Privacy Policy

Please take a few minutes to visit our FAQ for common questions.

Some technical details

We aim to go above and beyond to provide you with great services and easy-to-use security and privacy tools. Please read more about some of the principles and technical details that guide our product design, and how we use technology to deliver our services.

Good to Know Our Good to Know site helps you stay safe and protect your family's information online. Visit to learn more.	Our legal policies Privacy Policy Terms of Service FAQ	Some technical details Technologies and Principles Advertising How Google uses cookies How Google uses pattern recognition Types of location data used by Google How Google Wallet uses credit card numbers How Google Voice works
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Google - About Google - Privacy & Terms

English

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Figure 4: Google's Account Activity Report

