

February 24, 2012

Representative Mary Bono Mack, Chairman
Representative G.K. Butterfield, Ranking Member
House Energy and Commerce Committee,
Subcommittee on Commerce, Manufacturing and Trade
2125 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Bono-Mack and Ranking Member Butterfield:

We understand that you are planning to hold another closed-door briefing with Google about the planned March 1 changes next Monday. While we very much appreciate your ongoing interest in this critical issue, we strongly object to a second secret meeting with Google. There should be a public hearing with the opportunity for consumer advocates and others to participate. Even Google is committed to transparency.

As Google has made itself available to meet with you and other Members of Congress on Monday, we ask that you take the scheduled time for a hearing open to the public. We would be pleased to participate as would others.

We also strongly recommend that Google be told to suspend the March 1 changes in its terms of service until (1) a public hearing occurs and (2) a determination is made by the Federal Trade Commission as to whether Google's changes comply with the 2011 Consent Order.

We believe there would be overwhelming public support for this action. Since Google announced the planned changes:

- Members of Congress of both parties have expressed concern about the proposed change
- Thirty-six Attorneys Generals have pointed to significant problems for Android users
- Technical experts have recently found that Google bypassed privacy settings in both the Safari and the Internet Explorer browser software
- Federal officials have determined that the proposed changes in Google's terms of service would violate privacy safeguards for users of Google services in the federal government
- IT managers in the private sector have reached similar conclusions about users of Google enterprise services

(continued)

- The top Justice Minister in Europe has asked the company to pause pending a determination as to whether the changes comply with European privacy law
- The President has this week set out a Consumer Privacy Bill of Rights that seeks to protect a fundamental right of American. As he explained, “Americans have always cherished our privacy . . . [and] never has privacy been more important than today.”
- Millions of Internet users will be “opted in” to the new terms of service with far-reaching implications for their ability to control their personal information held by others

Google’s widely touted notification efforts are entirely beside the point. It doesn’t matter how loudly Google speaks; what matters is what Google plans to do with the data it previously collected on Internet users after March 1st. Google plans to go forward with a substantial change in business practices that will affect millions of users of the Internet without any opportunity for users to consent.

You should hold a public hearing on this and you should urge Google to suspend its plan

Sincerely,

/s/

Marc Rotenberg,
Electronic Privacy Information Center (EPIC)

/s/

Jeffrey Chester,
Center for Digital Democracy (CDD)

/s/

John Simpson,
Consumer Watchdog

/s/

Susan Grant,
Consumer Federation of America (CFA)

/s/

Ed Mierzwinski,
US Public Interest Research Groups (PIRG)

Cc: Members of Congress
The Federal Trade Commission
The White House