



Sept. 9, 2010

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

Dear Mr. Schmidt,

In response to our recent animated satire about your privacy positions, Google has claimed, “We like ice cream as much as anyone, but we like privacy even more.”

Your keynote speech at the ITA conference in Berlin just this week, however, suggested that while you remain committed to Google’s mission “to organize the world's information and make it universally accessible and useful,” you fail to recognize that the direction Google is currently heading is inexorably at odds with the notion of personal privacy.

Our original letter to you on Oct. 13, 2008 (<http://www.consumerwatchdog.org/resources/JusticeGooglelet100208.pdf>) stated our ongoing concerns that Google’s business model was becoming increasingly incompatible with privacy absent offering individuals the ability to choose to become anonymous while using your products.

The following troubling statements made by you in Berlin reiterate the magnitude of the threat Google poses to privacy as well as Google’s repeated inability to acknowledge how disturbing that threat is for many people. Imagine if a government agency were to make the following claims. The cries of “Big Brother!” would be loud and fierce.

Regarding search, you stated:

“Ultimately, search is not just the web, but literally all of your information — your email, the things you care about, with your permission — this is personal search, for you and only for you.

“We can suggest what you should do next, what you care about. Imagine: we know where you are, we know what you like.

“A near-term future in which you don’t forget anything, because the computer remembers. You’re never lost.”

These statements are greatly disconcerting given Google’s lack of support for an anonymizer button — which we have called upon you to adopt for two years — or a publicly-maintained “Do

Not Track Me” option. They suggest an Orwellian future where deprivation of choice and independence are paternalistically justified as unparalleled advances in consumerism.

Privacy is all about personal control — our ability to say “no” to a company or government agency collecting our information, our ability to say “no” to any person or group knowing where we are, what we like, and what we care about, so that it can suggest what we should do next.

Collecting this type of information without allowing users the ability to control it or remove themselves from tracking in total is, for want of a better word, evil — even if you don’t plan to use the information for nefarious purposes.

We acknowledge that offering individuals the choice not to allow Google to access to all of their information, or to delete the information that Google currently holds may mitigate Google’s growth and performance on Wall Street. But Google claims to be about more than profits and bottom lines. By taking up the “Don’t be evil” motto, you have sought to distinguish yourself as the moral corporation.

Ask yourself, if Google were a person, would it allow everything about itself to be known so that somebody else could suggest what it does next?

The answer would likely be “no,” given the secrecy about corporate affairs Google has demanded in its legal filings in cases like Rosetta Stone LTD v. Google Inc. and Vulcan Golf, LLC et al v. Google Inc. et al.

Google seems to value its corporate privacy far more than it values individual Internet users’ privacy. Recently, we were denied a search word advertisements that contained the word “Google” in it. The reason for the denial: “Trademark in Ad Text.”

A company that owns a search engine that controls 70% of the market and wants to know everything about us should at least let people buy search word advertisements that criticize it by name.

You denied our search word promotion based on trademark rights, even though Google has become a matter of common parlance like “Kleenex” or “Xerox.” We call upon you in the future to name a price for search word promotions that criticize Google and not to assert the trademark defense.

Your comments in Berlin reaffirm the fact that Google is not just any other company. Google is becoming *the Internet*, and it has a moral obligation to let critics communicate with Internet users via Google search.

Trademark holders do not always assert their rights to prevent search word advertisements that include their trademark. In 2007, when Intel ran what we viewed as a racist advertisement, we bought search word promotions critical of the company and were allowed to run them on your search engine. We call upon you now to allow the same. Open up Google to the same scrutiny every other person or group faces on the Internet.

As for your comments about liking ice cream, we are happy to buy you and the founders a scoop in honor of Google’s twelfth birthday at a shop of your choosing if you are open

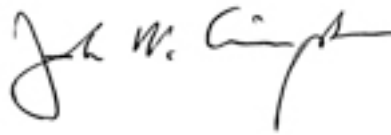
to discussing the possibility of supporting an anonymizer button and a “Do Not Track Me” function.

We have been making the same offer for two years, but you have refused to meet with us and have even attempted to revoke our funding by contacting the charitable foundation that supports our work. We didn’t appreciate that, but we will gladly put it behind us — and buy the ice cream — if you will begin to consider granting individuals the option to fully control their personal information.

Sincerely,

A handwritten signature in cursive script that reads "Jamie Court".

Jamie Court  
President

A handwritten signature in cursive script that reads "John M. Simpson".

John M. Simpson  
Consumer advocate