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CEO Larry Page
1600 Amphitheatre Parkway
Mountain View, California, 94043
U.S.A.

Paris, **22 MAI 2012**

N/Réf : IFP/GLD/CE121236

Mr. Page,

Thank you for Mr. Fleischer's answer to the questionnaire we sent on 16 March 2012 on behalf of the Article 29 Working Party.

This answer provides additional information about Google's personal data processings and the way Google informs its users. However, for a large number of questions, the elements provided do not give a precise, clear and comprehensive response to our questions. While in some cases the questions themselves may have been misunderstood or not clearly expressed, many answers merely provide illustrative examples without describing the exact processings, procedures or systems Google actually operates.

The fact that Google's position on personal data processings is still unclear on many points after an in-depth exchange with the CNIL raises additional concerns about Google's adequate information of its users.

You will find attached as an annex to this letter the questions that require a more precise and comprehensive answer. The numbers below refer to the original questionnaire. In some cases, the questions have been rephrased to take into account your first answer or to clarify our expectations.

We would be happy to receive your responses by June 8, 2012. We will be able to clarify our questions if needed during the meeting scheduled on 23 May 2012 with your team.

Yours sincerely,

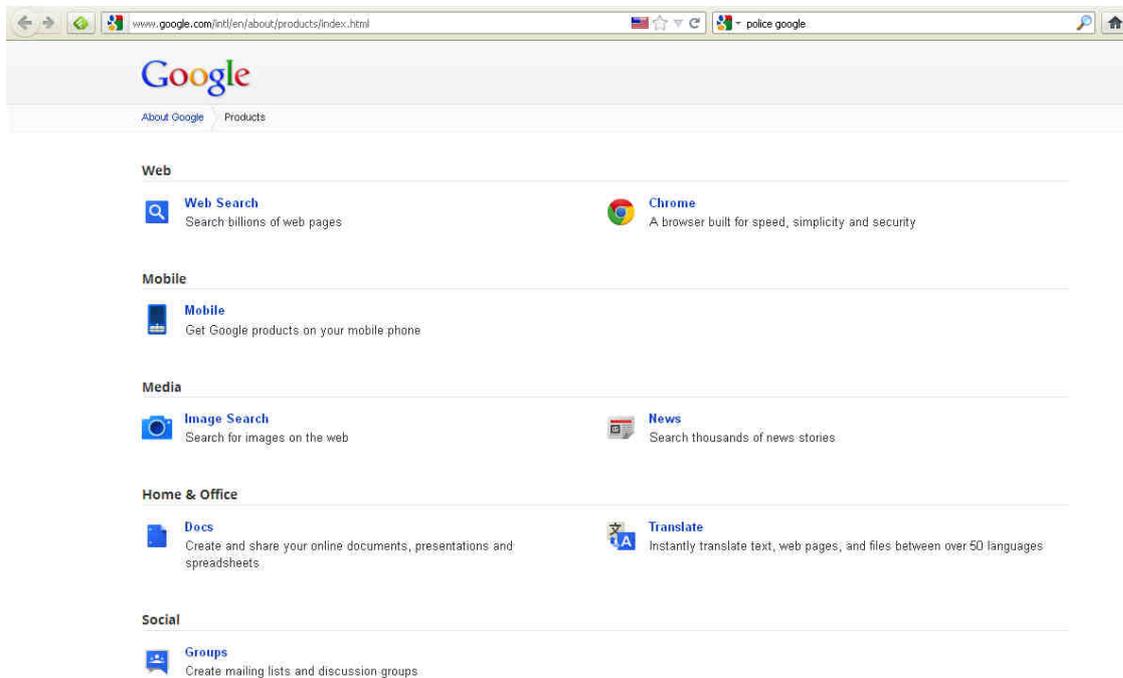


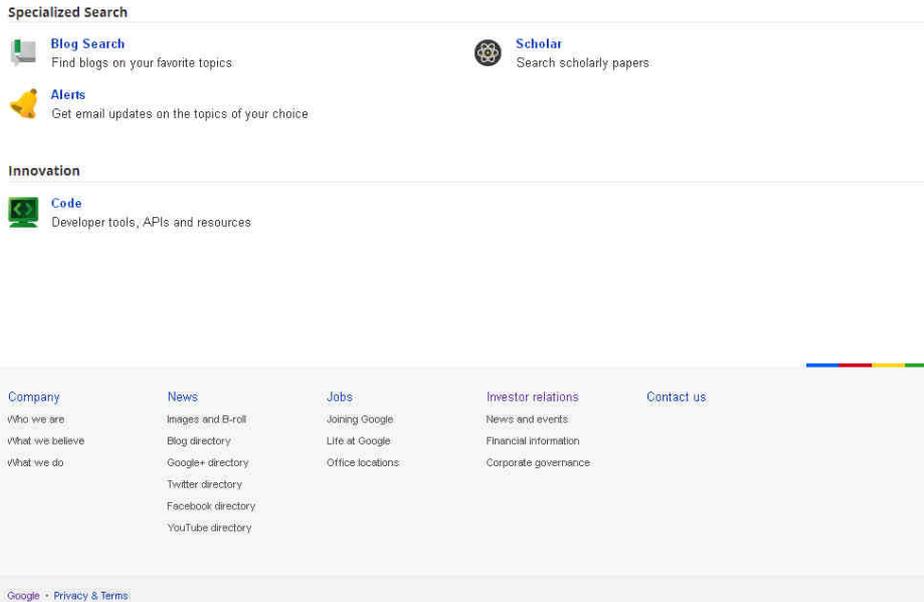
Isabelle FALQUE-PIERROTIN

Annex

Question 3: Please provide the most relevant figure regarding the number of consultations of Google's new privacy website between 24th of January and 1st of March 2012, along with a figure regarding the total number of users of Google's services. Given Google's extensive development and use of analytic tools, we are surprised that Google has not measured the impact of the campaign in order to assess efficiency of this information. Could you please confirm that you have no such information?

Question 5: Your answer doesn't provide a list of personal data processings according to the definition of the European Data Protection Directive. Moreover, the information given on the link provided is incomplete, at least in Europe, as it doesn't include major products like Gmail or Google+ (see screenshot below). The US version of the page is more detailed but can only be accessed through a proxy. However, neither page contains the processings which are not related to a specific product like the processings related to security.





Please complete your answer with a detailed list of Google’s processings. Please distinguish processings related to specific products, processings that apply to all or many products (e.g. security), and processings that concern research (and may not be public). Please provide the full list of privacy policies that were merged in the new privacy policy.

Question 6: The answer states that any information collected from the services can be used “to provide, maintain, protect and improve [the services], to develop new ones, and to protect Google and our users”. You also provide the “primary services” for which some categories of data are used.

Please confirm that credit card data, device-specific information, telephony log information, location information and unique device identifiers can be used for any of the purposes mentioned in the policy and combined with any information from other services.

Question 7: *Please confirm that the collection of any type of data that is not listed in the privacy policy requires a specific contextual in-product notice.*

Question 11: *Please explain why biometric data is not mentioned in the privacy policy although such data may be processed by Google+. Please list any other documentation that may apply for the processing of such data. Please indicate if facial recognition is also implemented in the Picasa Web albums service.*

Question 12B: *Please detail the meaning and purposes of each field in the PREF cookie, as well as the way the value of each field is computed (use of random function, meanings of the value, etc.).*

Question 12C: We understand that Google considers the ID field of the Pref cookie as an “industry standard”, but we are interested in the purposes for which it is processed by Google. *Please detail the purposes for which the value of the ID field of the PREF cookie is processed. Please explain why the validity period of this cookie is set to 2 years although Google anonymizes cookie numbers after 18 months.*

Question 13: The objective of this question was to identify in which cases data may not be used to “improve [your] services or develop new ones” and when these purposes are achieved using specific

procedures such as “sampling”. For instance: (i) data collected from Google Wave or Google Health may not be relevant anymore to “improve the services” since those services will soon be discontinued and (ii) for a service like Google Suggest, Google claimed that only 2% of the requests were necessary to “improve the service”.

Please detail if the data for deprecated services is still used to “improve [your] services or develop new ones”. Please indicate if Google includes in its privacy procedures a data minimization objective, especially when working on improvements or new services.

Question 14: *Could you also provide examples of processings aiming at protecting Google?*

Question 16: Your answer raised additional questions about the separation of the processings between authenticated and non-authenticated users.

To clarify your answer, can you specify if, for authenticated users, data associated is also stored on “Google’s servers, linked to an anonymous browser cookie”?

Question 18: *Please provide an example of a case where Google would ask user consent “before using information for a purpose other than those that are set out in this Privacy Policy”, as well as the form such a consent collection would have.*

Question 19: You indicate that backup data on tapes is encrypted and that encryption keys are routinely deleted, which renders encrypted data unusable.

Could you confirm that the fact that Google “may not remove information from [...] backup systems” refers only to the possibility that encrypted data without encryption keys can be kept on Google’s servers? Please provide the typical period that is used to renew the encryption keys for backup tapes and an upper-bound for the deletion or complete anonymisation of data.

Question 21: The answer does not provide precise information about the maximum delay to effectively delete or anonymize data (typically through renewal of encryption keys) for the following actions: content withdrawal, service un-subscription and full account deletion.

Please provide specific retention periods for these actions.

Question 22A: *Please provide examples of what a “reduction of rights” could be according to Google.*

Question 25: The question raised the issue of the definition of personal data and the potential collection in Google’s advertising services. Please find below a rephrased version of the questions. *Please indicate if Google combines DoubleClick data with:*

- *IP addresses*
- *Unique device identifiers*
- *Geolocation data (i.e. coordinates, postal addresses, postal codes or city names)*

Question 27A: It is still unclear how the Terms of Service and the Privacy Policy will apply in some cases. In particular, the Terms of Service mention that the license is granted “for the limited purpose of operating, promoting, and improving our Services, and to develop new ones”.

Please indicate if a picture stored in Picasa Web Albums with a “private” privacy setting can be used by Google to promote its services? Similarly, can a picture with a “public” privacy setting be used by Google to promote its services?

Please also indicate if content flagged as “private” in Google+ or Youtube can be used by Google to improve the Services or develop new ones, or if Google uses only “public” content?

Question 32: According to you, different legal bases apply to the combination of data across services, “depending on the type of product/service”.

Could you provide examples in which each basis applies?

Question 33: You mentioned in question 32 that article 7(b) (i.e. contract), is one of the legal basis for the combination of data across services. *Please provide the contract that justifies such a legal basis.*

Questions 37: Your answer does not indicate if turning Youtube History off prevents the collection of data or merely stops the display of personalized ads and contents.

Please provide additional answers to this question to clarify the exact control that a user has on its Youtube history through Google’s tool.

Question 40, 41 & 54B: You indicate that Google may use certain features for security and abuse purposes:

- “correlate data across accounts for security and abuse prevention purposes” (Q40)
- combine data between authenticated services and non-authenticated services (Q41)
- use fingerprinting techniques (Q54B)

Please indicate if Google’s employees belonging to commercial services (products or advertising) have access to such information and the conditions of the processings (retention period, access rights, etc.).

Please detail the organizational measures that Google takes to protect such combinations (limited number of persons specialized in security, specific storage, etc.).

Please also indicate if you receive (and reply to) requests from law enforcement authorities to access these correlations.

Question 45: Your answer does not provide the complete list of opt-out mechanisms available to Google’s users.

Please complete your answer by listing all the opt-out mechanisms provided currently by Google.

Question 47: Your answer indicates that specific contractual clauses apply for Google Apps client and end-users. However, the Google Apps Free contract (available at: http://www.google.com/apps/intl/en/terms/standard_terms.html and referring to End User terms--http://www.google.com/apps/intl/en/terms/user_terms.html) specify that end-user data is ruled by the general Google Privacy Policy (End User Terms are not mentioned in the Google Apps for Business Terms nor in the Google Apps for Education Terms).

Please confirm that personal data of End Users collected through Google Apps for Education and Google Apps for Business are not subject to the new Google Privacy Policy.

Please confirm that personal data of End Users collected through Google Apps Free are subject to the new Google Privacy Policy.

Question 50 & 51: Your answer does not provide any specific information about what Google cookies are “strictly necessary” to the service explicitly requested by the person and the way Google informs and collects user consent for the use of other cookies.

Considering that the ePrivacy Directive is already applicable in the whole EU and has been transposed in national law in several Member States, please complete your answer with specific and precise elements.

In case of doubt, please at least indicate what cookies are “strictly necessary for a service explicitly requested by the user” from Google’s own point of view.

Question 52: Your narrative response does not clarify existing information available on Google’s websites. In particular, it does not allow checking if the information and references gathered in the table included in the questionnaire are correct.

Please confirm or complete/modify the content of the table above regarding advertising (and especially the sources).

Question 55: Your answer does not allow clarifying whether the opt-out mechanism prevents from the collection of data or merely from the display of personalized ads. Especially, the wording “the browser will not receive interest-based advertising” does not answer the question.

Please precise your answer regarding the following mechanisms:

- Ad Preferences Manager for Search,
- Ads Preferences Manager on the web,
- Third-party advertisers,
- +1,
- Mobile.

Question 56: When website owners decide to share data with Google for combination with other Google services, Google may act as a data controller for the combination of data.

Please indicate how you comply with the European Data Protection Framework for the processings related to the collection of Analytics data and its combination with data from other services. Please detail particularly the modalities of information.

Question 62A: You indicate that for “most applications”, the Google Privacy Policy applies to data collected by mobile applications.

Please provide examples where this does not apply.

Questions 65 & 66: The use of contextual in-product notice is very interesting to meet the obligation of information.

As a complement to the question, please indicate the criteria Google uses to decide to include contextual in-product notice when developing a new service or improving an existing one. Please detail the internal procedures that operate to ensure complete information of the user before the launch of new product, in particular regarding the combination of data across services.