



THE CHAIRMAN

FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

April 20, 2010

The Honorable Joe Barton
United States House of Representatives
Washington, DC 20515

Dear Representative Barton:

Thank you for your letter, in which you and your colleagues raised concerns about the impact of Google's "Google Buzz" social networking tool on online consumer privacy and about the proposed Google acquisition of AdMob. According to public reports, Google used the email contact lists of subscribers to its Gmail webmail service to generate a social networking tool, Google Buzz, for these subscribers. You raise a number of specific privacy concerns related to Google Buzz including whether Gmail users received adequate notice or the opportunity to exercise choice with respect to the Buzz tool, the impact of this alleged privacy violation on children, and the alleged public disclosure of the private contacts of Gmail users. We appreciate your raising these very important concerns.

As you know, consumer privacy is one of the Commission's highest consumer protection priorities, and the FTC has an active privacy program that addresses issues through policy work, rulemaking, consumer education, and where warranted, law enforcement. FTC investigations are non-public until the Commission decides to issue a formal complaint or close the investigation. We nonetheless appreciate the specific concerns you raise in your letter, and please be assured that Commission staff will review carefully the information you provided and the questions you posed.

The Commission currently is engaged in a project to evaluate the impact of existing and emerging technologies and business models on consumer privacy. In connection with this project, we held a series of three public roundtables, beginning in December 2009 and concluding last month. Public comments relating to the three roundtables are posted on our website.¹ One of the major themes explored at the roundtables was consumer expectations regarding the collection and use of their personal information, an issue you raised with respect to Google Buzz. Expert panelists at the roundtables, including business representatives, consumer advocates, and academics, also discussed at great length the challenges associated with giving consumers meaningful notice and choice, particularly in the increasingly complex online

¹ See www.ftc.gov/os/comments/privacyroundtable/index.shtm.

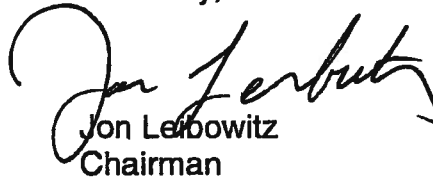
environment, where consumer information may be put to uses not initially contemplated at the time of collection.

You also raise a concern about children's privacy with respect to Google Buzz, an issue of particular interest to the FTC. As you know, the Commission has responsibility for enforcing the Children's Online Privacy Protection Act (COPPA), which restricts the online collection of personal information from children under 13 without verifiable parental consent. In addition to our enforcement activities under that statute, we have been very active in promoting policies to protect children's privacy online. The FTC is currently conducting a review of COPPA. We welcome any comments you have (the comment deadline is June 30, 2010) and invite you or your staff to attend the COPPA Rule Review Roundtable on June 2, 2010.

Finally, your letter raises concerns that Google's planned acquisition of AdMob could potentially increase Google's access to personal information. As you know, Congress has empowered the Commission to prevent mergers and acquisitions that may substantially lessen competition or tend to create a monopoly, in violation of Section 7 of the Clayton Act² or Section 5 of the Federal Trade Commission Act.³ The Commission seeks to identify and challenge any merger or acquisition that it has a reason to believe violates these statutes, and is now investigating the proposed acquisition of AdMob by Google, Inc.⁴ Although a number of statutory prohibitions and the Rules of the Commission prevent me from disclosing the details of any non-public Commission investigation, we can acknowledge that we are reviewing this transaction.

I appreciate your support for protecting consumer privacy.

Sincerely,



Jon Leibowitz
Chairman

² 15 U.S.C. § 18.

³ 15 U.S.C. § 45.

⁴ I am able to confirm publicly that the Commission is investigating the proposed acquisition because at least one of the parties to the transaction "has publicly disclosed the existence of [the] transaction or proposed transaction in a press release or in a public filing with a government body." *Federal Trade Commission Notice of Policy of Disclosing Investigations of Announced Mergers: Notice of Revised Policy*, 62 Fed. Reg. 18630 (Apr. 16, 1997); see also *Federal Trade Commission Policy Concerning Disclosures of Nonmerger Competition and Consumer Protection Investigations: Notice of Revised Policy*, 63 Fed. Reg. 63477 (Nov. 13, 1998).

PS. Looking forward to working with you on privacy legislation and a variety of other matters!