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May 26, 2010

Mr. Eric E. Schmidt
Chairman & Chief Executive Officer
Google Inc.
1600 Amphitheatre Parkway
Mountain View, CA 94043

Dear Mr. Schmidt:

We are writing with respect to recent reports that Google has gathered huge amounts of data sent over private Wi-Fi networks while documenting the streets of our country for its Google Street View product. We are interested in the nature of this data collection, the underlying technology your fleet of Street View cars employed, the use of the information collected, and the impact it could have on consumer privacy.

We understand that this data collection first came to light in Europe, but it now appears based on media reports that this practice was pervasive in the United States as well. According to one report, Google gathered more than 600 gigabytes of data from Wi-Fi networks in more than 30 countries. Presumably this data could include personal emails, health and financial information, and search and surfing habits. As you may know, questions have been raised regarding the applicability to such practices of Section 5 of the Federal Trade Commission Act, as well as the privacy protections contained in the Communications Act of 1934, the Electronic Communications Privacy Act, and other statutes.

In particular, we are concerned that Google did not disclose until long after the fact that consumers' Internet use was being recorded, analyzed and perhaps profiled. In addition, we are concerned about the completeness and accuracy of Google's public explanations about this matter. For example, on April 27, 2010, a Google blog post contained inaccurate information about whether payload data was collected. However, a Google executive on May 14, 2010, admitted in Google's official blog that the company had "been mistakenly collecting samples of payload data from open (i.e., non-password-protected) Wi-Fi networks." Accordingly, we


request responses to the following questions in order for us to better understand the nature of the collection practices, its possible impact on consumers, and the broader public policy implications of this practice.

1. What percentage of United States roads have been documented for Google Street View?
2. Over what time period did the collection of information for Google Street View take place or, if roads are visited by Google Street View vehicles more than once, what is the schedule for return visits to roads?
3. Have all Street View vehicles documenting United States roads been engaged in the monitoring or data collection of Wi-Fi transmissions at all times during those activities? If the answer is no, please explain in detail in what communities the monitoring or data collection was conducted and the reasons that these communities were chosen for monitoring or data collection.
4. How many Wi-Fi networks across the country have been logged since Google began its Street View program? How many consumers were subject to the data collection?
5. Was any notification of this monitoring and data collection made to affected communities prior to deploying Street View vehicles, and was consent sought from consumers? If so, please explain the notice and consent procedures involved. If not, please explain why this was not done.
6. Has Google at any time conducted a legal analysis regarding the applicability of consumer privacy laws on the monitoring and data collection of Wi-Fi transmissions? If so, please provide a copy of this analysis.
7. Please explain why Google chose to collect the data and how it intended to use the data.
8. What is the status of the consumer data collected? Has it been analyzed and used in any way? Does Google have plans to use it in the future? Please explain in detail.
9. Has the collected data been destroyed? If yes, when and by which method(s)? If not, why not?
10. What is the status of Google's internal review of Street View's monitoring and data collection practices to ensure adequate controls? What is the methodology? When did the review start? Who is conducting the review? Are there any interim findings? When is it expected to be completed? Will the review, or portions of it, be made available to the public?

11. What is Google's process to ensure that data collection associated with new products and services offered by the company is adequately controlled?
12. Has Google asked a third party to review the software at issue? If so, who is the third party, and what is the nature of the review?

Thank you in advance for your attention to this matter. We respectfully request a response by Monday, June 7, 2010.

Sincerely,


Henry A. Waxman
Chairman


Joe Barton
Ranking Member


Edward Markey
Member