

Google Street View: Collecting the World's Data One Year Later -May 14, 2011

One year ago today, Google publicly acknowledged that it intercepted the private WiFi communications of consumers in more than 30 countries around the world, while collecting images for its Street View mapping program. But despite this passage of time, and despite all the questions that have been asked of Google in Congressional hearings in recent weeks, consumers in the U.S. are no closer to understanding whether and how they were affected, and Google has yet to be held accountable for its actions.

Google repeatedly has characterized its conduct as “a mistake.” There is no disagreement that Google should not have engaged in this conduct. Despite dozens of investigations, both overseas and in the U.S.A., no one really knows the true scale of this global privacy breach or how it was allowed to occur. An independent investigation by regulators into the facts is critical because the magnitude of the privacy violation may well amount to the single largest privacy breach in the history of the Internet.

When Google was first questioned by regulators about its Street View program, out of concern that recording street-level images could raise privacy concerns, Google failed to point out that its Street View program also was collecting consumer data. It was only when an investigator in Germany noticed that a hard disk from one of the Street View vehicles was missing and asked to examine it did authorities learn that consumer data was being collected. Google first claimed that it had collected only fragments of data, and Google repeatedly assured regulators and the public that no harm had occurred and that any privacy breach was minimal. It was only through the efforts of regulators around the world that we learned that entire emails, browsing histories, passwords, and other documents were intercepted. To date, affected

consumers have received no notice that their data was collected and apparently have no ability to review what data has been collected.

In recent weeks, we have learned through Congressional hearings that Google filed patents describing a method by which collecting “raw data” transmitted over WiFi networks could be captured, stored, and analyzed in order to better approximate the location of wireless access points. We also have learned, from a broad-ranging Congressional investigation into location-based mobile services that Google has developed a database of WiFi access points, to help determine the location of Android phone users, to provide location-based services. There has been some suggestion that Google’s secret interception of WiFi communications may have improved the company’s ability to identify WiFi access point locations, providing the company with a commercial advantage in its provision of location-based services. The Federal Communications Commission has said that it is investigating this matter. Certain state attorneys general are doing the same. Both have the tools they need to investigate this matter thoroughly, including the ability to interview witnesses and request documents. Google claimed that a single engineer developed the code for collecting this personal data and arranged for its installation into the Street View fleet of cars independently and without the knowledge of supervisors or management. Google has yet to produce the “rogue” engineer -- despite repeated and worldwide regulatory requests. Why hasn’t Google done so? The engineer that created the Street View data collection program could be very helpful in answering this question, as well as others: Why was the data collection program created? Doesn’t the fact that it was created suggest that Google hoped to gain commercial advantage by capturing this data? Who reviewed the program? Why was it installed in Street View cars around the world? How much data has been collected? What

happened to the data that was collected? And finally, why has a year passed without answers to these questions?