

California Legislature



JOEL ANDERSON
Assembly District 77

Press Release

For Immediate Release

Contact: Collin McGlashen or Mike Spence

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(619) 441-2322 or (916) 319-2077

Joel Anderson urges Google to abide by California law and add privacy link to homepage

Anderson joins 14 consumer groups and vows, "If Google continues to hide behind legal loopholes then I will take matters into my own hands and close the loophole."

Sacramento, CA – California State Assemblyman Joel Anderson (R-San Diego) has sent a letter to California-based corporation Google, urging them to heed the request of 14 consumer groups and abide The California Privacy Protection Act of 2003 by linking to their privacy policy from their homepage. Assemblyman Anderson had sent a letter to Google that referenced the violation a week earlier.

The Privacy Protection Act requires websites to link to their privacy policy from their homepage, which Google does not do.

"Google is clearly in violation of the law. If Google continues to hide behind legal loopholes then I will take matters into my own hands and close the loophole. New legislation is one way I can close that loophole," Assemblyman Anderson stated. "What's elevated this issue for me is that 14 separate consumer groups have written Google on this violation and Google continues to ignore them."

The New York Times has tracked Google's refusal to comply fully with California's internet privacy laws. In one piece the *Times* interviewed Chris Hoofnagle, a senior fellow with the Berkeley Center for Law and Technology. He told the *Times* "I think Google is in violation [of the California Privacy Protection Act]."

Additionally, the *Times* interviewed Joanne McNabb, the chief of California's Office of Privacy Protection. McNabb, whose responsibility is not to interpret the law, still clearly stated that "Apart from California law, it has become a pretty accepted practice for Web sites to have a privacy policy link on their home page. It gets to be pretty funny if you don't." She also suggested that Google should just put the word "privacy" on the bottom of the homepage to link to the policy. "Why not?" she added. "It's only seven letters."

Assemblyman Anderson represents Assembly District 77 in San Diego County, including all or portions of El Cajon, La Mesa, Santee, Jamul, Alpine, Borrego Springs, and City of San Diego.

The text of the letter sent to Google is below.

June 10, 2008

Dr. Eric Schmidt
Chairman of the Board and Chief Executive Officer
Google, Inc.
1600 Amphitheatre Parkway
Mountain View, CA 94043

Dear Dr. Schmidt,

It has come to my attention that last week 14 consumer groups wrote you urging Google to include a link to its privacy policy on its homepage.

Without this link, Google is in violation of The California Privacy Protection Act of 2003 that requires commercial websites to "conspicuously post its privacy policy on its Web site." All Google must do to bring itself into compliance with this Act is to place the word "privacy" on its homepage to link to its privacy policy.

As a member of the California State Assembly in which that legislation passed, I am of course deeply concerned whenever laws we passed are ignored. Last week I mailed you a letter that referenced this violation. However, I am especially concerned whenever California-based organizations are also outraged. Some of these consumer groups are even based in San Diego, which I represent.

I am writing to urge Google to heed California law and the reasonable request of these consumer groups and link directly to its privacy policy from its homepage.

If you do not comply with the online privacy act I will pursue other avenues to bring you into compliance—be it through the Attorney General's office or any other means at my disposal including new legislation. We believe the law's intent

is clear and that you must link to your privacy policy from your homepage. However, if Google continues to hide behind legal loopholes then I will take matters into my own hands and author legislation to further clarify the law.

Please respond within the next seven (7) days to let me know your intentions.

Sincerely,

Joel Anderson
California State Assemblyman

CC:

ACLU of Northern California
San Francisco, CA

Center for Digital Democracy
Washington, DC

Center for Financial Privacy and Human Rights
Washington, DC

Consumer Action
Los Angeles and San Francisco, CA

Consumer Federation of California
San Mateo, CA

Electronic Frontier Foundation
San Francisco, CA

Electronic Privacy Information Center
Washington, DC

Identity Theft Action Council of Nebraska
Omaha, Nebraska

Knowledge Ecology International
Washington, DC

Privacy Lives
Washington, DC

Privacy Rights Clearinghouse
San Diego, CA

Privacy Times
Cabin John, Maryland

U.S. Bill of Rights Foundation
Washington, DC

World Privacy Forum
San Diego, CA

Joanne McNabb, California's Office of Privacy Protection

Edmund J. Brown Jr, California Attorney General

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