

## OPEN FORUM

## Google and privacy: The hard drive that broke the camel's back

By Spyros A. Pappas (\*)

Aristotle's principle of 'inequality of non-equals' applies also in this way: the bigger and more important a company is, the more responsible and accountable it should be. This is all the more true in the case of Google that has won, if not the trust, at least the preference of people holding 95% of the major European markets and making US\$28 billion annually. Despite that, regulators across Europe have opened probes into Google's secret interception of data from private Wi-Fi networks, investigating how and why Google's Street View vehicles collected such data, and what the company did with it. German officials have even gone as far as to launch a criminal investigation. It is now the turn of the EU to safeguard the interests of the EU citizens as it is doing in the framework of counter-terrorism agreements with the United States.

While Google has asked for permission to begin deleting the data, authorities should not be too hasty in acceding to this request. If laws were broken, appropriate action needs to be taken in order to ensure that Google is fully respecting European privacy rules in all of its many activities. Few would dispute that Google is the world's leading online company, which offers us an impressive array of innovative services. However, many are concerned that the company's success is built on large-scale disregard for the privacy rights of internet users. As Google's CEO Eric Schmidt famously remarked: "If you have something that you don't want anyone to know, maybe you shouldn't be doing it in the first place".

The Street View/Wi-Fi scandal seems to exemplify the company's approach to privacy, which can, at best, be described as cavalier. In 2008, Google vehicles began photographing European streets for the company's Street View service. Besides taking pictures of the buildings along roads, the vehicles also collected certain Wi-Fi data – SSID information (Wi-Fi network names) and MAC

addresses (the unique number given to a device like a Wi-Fi router). Google said this would help improve the performance of the company's location services. It is not unusual for industry to collect this publicly available data for location positioning services for mobile phone, and Google assured regulators that this was all it was gathering.

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Nevertheless, Google has now admitted that the data collected went far beyond this and included e-mails and information about users' web surfing – data which is likely "personal data" under EU law – going against its own privacy policy of "making the collection of personal information transparent". Alarming, we learned of this snooping only because the Hamburg Data Protection Authority insisted on obtaining access to a hard disk that Google had removed from a Street View vehicle.

Google claims this massive data gathering operation – which probably took place in most member states – was a mistake. The company says that this experimental code was accidentally left in the mapping software.

Many experts are sceptical. Peter Schaar, German commissioner for data protection, has noted that "one of the largest companies in the world, the market leader on the internet, simply disobeyed normal rules in the development and usage of software". It is also unclear what Google was planning to do with the data, which it has been collecting in Europe for two years. The company's business model is focused on the gathering and storage of personal data, and then using it to sell advertising. According to press reports, a group of European privacy regulators had warned Google – even before this inci-

dent – that the Street View service was likely inconsistent with European data protection law. While Google dominates the European search market, it has also challenged whether European data rules even apply to its search service.

Consumer and privacy groups have also raised data protection concerns about a range of Google's services, including G-mail, the Chrome browser, Google Desktop and the Android software package for mobile phones. When Google recently rolled out its new social networking site Buzz, it automatically signed up G-mail users to the service and then publicly disclosed their contacts, breaching another privacy principle of "giving users meaningful choices to protect their privacy". This prompted justified outrage from regulators, a number of whom wrote a letter to Google asking the company to take certain steps to ensure that fundamental privacy principles are incorporated into new online services.

Google states in its Privacy Centre that it is "keenly aware of the trust placed in us and our responsibility to protect your privacy". Aside from the many European laws that Google could have potentially broken, responsibility begins with being accountable and answerable for your behaviour. Not only has Google disregarded its own privacy principles, but has acted recklessly with the trust placed in it by EU citizens.

Thus, just asking Google nicely to play by the rules is clearly not enough. The Wi-Fi incident should be a wake-up call for Europe that Google is simply not reliable about privacy, and that regulators must act to ensure that Google obeys the law and respects the rights of EU citizens. No one should be allowed to escape from the rule of law, Google being no exception. ■

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