

FCC's INCONCLUSIVE PROBE WAS INADEQUATE, GROUP CHARGES

from The Privacy Times

The Electronic Privacy Information Center April 16th sent a letter to U.S. Attorney General Eric H. Holder Jr., urging him to investigate Google for violating eavesdropping laws when it collected Internet data from millions of unknowing U.S. households.

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EPIC said a Justice Dept. probe was necessary in the wake of the Federal Communications Commission's April 13th announcement that it did not find evidence that Google company broke the law. The FCC said it would fine Google \$25,000 for obstructing its investigation of the search giant's Street View service.

Privacy advocates dismissed the proposed penalty as negligible for a company that had nearly \$38 billion in revenue last year and stands accused of snooping on people's private information and stonewalling investigators. EPIC, which had filed the original complaint with the FCC over Google's controversial data-collection practices, told Holder that the FCC's probe was insufficient.

By the agency's own admission, the investigation conducted was inadequate and did not address the applicability of federal wiretapping law to Google's interception of emails, user names, passwords, browsing histories and other personal information, EPIC's Executive Director Marc Rotenberg wrote in the letter. Given the inadequacy of the FCC's investigation and the law enforcement responsibilities of the attorney general, EPIC urges you to investigate Google's collection of personal Wi-Fi data from residential networks.

Rep. Edward J. Markey (D-Mass.), senior member of the House Energy and Commerce Committee, called for Congress to hold a hearing to get to the bottom of this serious situation, telling the Los Angeles Times, "The circumstances surrounding Google's surreptitious siphoning of personal information leave many unanswered questions," he said.

As part of its Street View project, Google sent specially equipped cars into U.S. streets to snap photos of homes and buildings in an ambitious attempt to map the country, block by block. But from May 2007 to May 2010, Google also collected sensitive information from unencrypted home wireless networks, including emails, passwords and search histories. News of Google's snooping caused an uproar when it was disclosed in 2010, leading the FCC to launch its investigation. But in announcing its proposed fine last week, the agency said it did not find proof that Google had

violated the federal communications law that bans electronic eavesdropping.

Google at first denied it was collecting the data, then said it had captured only fragments of people's online communications. In October 2010 it admitted for the first time it had collected and stored entire emails, text messages and passwords. Google maintains that the data collection was inadvertent and that it stopped collecting the data as soon as it found out.

A Google engineer who wrote the Street View code used to collect the data invoked his constitutional right not to testify, leaving "significant factual questions" unanswered, the FCC said. Google also took the position that searching its employees' email would be "a time-consuming and burdensome task," the FCC report said.

It is ironic that a company which made billions of dollars perfecting data searches said it would be "too burdensome" to search its own employees' emails," quipped one observer.

In October 2010, the Federal Trade Commission ended its investigation of Street View after Google pledged to improve safeguards. Last year, Google agreed to 20 years of independent privacy audits to settle FTC claims that it had deceived users and violated its own privacy policies when it launched the Buzz social network.

Google still faces Street View investigations in Europe. Last year, the French Commission Nationale de l'Informatique et des Libertés levied a 100,000-euro fine on Google for collecting personal information while gathering information for its Street View map service.

Connecticut and several other states launched their own inquiry in July 2010. That inquiry is still underway, said a spokeswoman for Connecticut Atty. Gen. George Jepsen, successor to now Sen. Richard Blumenthal (D-CT). Meanwhile, Blumenthal said he would continue his efforts to update federal laws to cover modern digital communication.

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