

April 1, 2016

Chairwoman Edith Ramirez
Federal Trade Commission
600 Pennsylvania Ave., NW
Washington, DC 20580

Dear Chairwoman Ramirez and FTC Commissioners:

Google played an April's Fools prank on Gmail users. It backfired.¹ Spectacularly.² It also appears to violate the 2011 consent order with the company that followed the rollout of Buzz.³

Information is personally identifiable when “an authorship relationship connects the individual to the information.”⁴ Google’s “change” in the “service” modified information concerning individual Gmail users, constituting a “new or additional sharing . . . of the Google user’s identified information” under the FTC order.⁵

What do you plan to do?⁶

Sincerely,

Marc Rotenberg, President
EPIC

Claire Gartland
EPIC Consumer Protection Counsel

¹ *Google's April Fools' Joke Backfires*, CNBC (Apr. 1, 2016), <http://www.cnbc.com/2016/04/01/googles-april-fools-joke-backfires.html>.

² *Google's April Fool's Prank has Backfired Spectacularly*, QUARTZ (Apr. 1, 2016), <http://qz.com/652668/googles-april-fools-prank-has-backfired-spectacularly/>.

³ Decision and Order, *In the Matter of Google, Inc.*, FTC File No. 102 3136 (Oct. 13, 2011). See also FTC, *FTC Charges Deceptive Privacy Practices in Googles Rollout of Its Buzz Social Network: Google Agrees to Implement Comprehensive Privacy Program to Protect Consumer Data* (Mar. 11, 2011), <https://www.ftc.gov/news-events/press-releases/2011/03/ftc-charges-deceptive-privacy-practices-googles-rollout-its-buzz>; EPIC, *In re Google Buzz*, <https://epic.org/privacy/ftc/googlebuzz/>.

⁴ Jerry Kang, *Information Privacy in Cyberspace Transactions*, 50 Stan. L. Rev. 1193, 1207 (1998).

⁵ Decision and Order, *In the Matter of Google, Inc.*, FTC File No. 102 3136, 3 (Oct. 13, 2011).

⁶ See generally *EPIC v. FTC*, 844 F. Supp. 2d 98 (D.D.C. 2012).