

Date: Thu, 2 Sep 2010 21:42:03 +1000
To: Jane Horvath <janehorvath@google.com>, Iarla Flynn <iflynn@google.com>
From: Roger Clarke <Roger.Clarke@xamax.com.au>
Subject: Re: Meeting with Google?
Cc: Ishtar Vij <ishtarv@google.com>, apfboard@privacy.org.au

Dear Jane, Iarla, Ishtar

At 10:48 +1000 31/8/10, Ishtar Vij wrote:

> ... Jane will be available on Monday 13 September, any time from 10.30am.
>She will be in Tokyo so we propose a meeting at the Google offices in
>Pyrmont Sydney, where we can use our VC facilities to talk with Jane. ...

Thanks for your email.

My notes from our meeting in February confirm that the next meeting was intended to "do greater depth on Google's approach (i.e. Google gets to 'speak in reply'), and perhaps a case study of one of Google's products".

But 6 months have passed since then, and we've lost a lot of time.

Yes, it would be good to have briefings on the topics you suggest.

But it would be even better if we could include an extra agenda-item that's concrete and forward-looking.

The primary concern is that we establish a mechanism for engagement.

Engagement has two facets:

(1) advance notice of releases that may give rise to privacy concerns (whether justified or not).

This mechanism would provide us with some information to work from when the media contacts us for comment. There are two possibilities:

- (a) if we believe there are problems, we'll say so; but the media reports are likely to deal with real issues, not imaginary ones
- (b) if we judge that the media's concerns are groundless, we'll hose the story down. We often do this when we sense that the story is a beat-up. There's no benefit whatsoever, to any of the parties, in mirages getting legs

Is Ishtar's note on 31 Aug about the new Gmail Priority Inbox feature a once-off? Or have you established a business process whereby we'll receive notices like that in future?

(2) consultation about intended services and features, sufficiently in advance of their release that discussions between the company and the privacy advocacy organisation(s) can influence the design.

Some examples of the benefits of this kind of forward engagement:

- we warned about several aspects of StreetView, but the discussions were too late, the product launched, and the media pounced on several of the things we'd drawn to the company's attention as being problems
- if the StreetView briefing had fully disclosed, including the Wifi sampling feature, Dan Svantesson and I would have been very likely to immediately latch on to the key issues of data capture and the likely breach of the TIAA
- the Google Buzz pickle at the beginning of the year could have been avoided if the design had reflected input from the privacy advocacy community

I have prior commitments in Canberra on Mon 13 Sep, and I can't make the necessary 8 hours available to get to Sydney for a video-conference.

Chris Connolly, Graham Greenleaf and Julie Cameron have confirmed.
Re Graham and Julie, see <http://www.privacy.org.au/About/Contacts.html>

We confirm that they will be at your front desk just before 10:30am, Mon 13 Sep.

Regards ... Roger (as Chair, APF)

Roger Clarke <http://www.rogerclarke.com/>

Xamax Consultancy Pty Ltd 78 Sidaway St, Chapman ACT 2611 AUSTRALIA
Tel: +61 2 6288 1472, and 6288 6916
<mailto:Roger.Clarke@xamax.com.au> <http://www.xamax.com.au/>

Visiting Professor in the Cyberspace Law & Policy Centre Uni of NSW
Visiting Professor in Computer Science Australian National University