



**Australian  
Privacy  
Foundation**

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26 January 2011

Mr I. Flynn  
Public Policy & Government Affairs, Google Australia

Ms J. Horvath  
Global Privacy Counsel, Google Inc.

Dear Jane, Iarla

A belated Happy New Year.

We wrote to you back on 2 September 2010, identifying the two aspects of engagement between Google and APF that we consider to be important.

As per the attached copy of that email, those two aspects are:

- (1) **advance notice of releases that may give rise to privacy concerns.** This is a second-best approach to engagement, but it would enable APF (and indeed any other advocacy organisation) to provide reasonably informed comment to the media following the release
- (2) **prior consultation about intended services and features.** If this is done sufficiently in advance of the release, discussions between the company and the privacy advocacy organisation(s) can usefully inform the design

Thank you for your occasional emails of copies of blog-postings after a new product or feature has been released; but that is not engagement.

It was not possible for any of the relevant Board members to be in your offices on 13 September – which is the only timeslot that you have proposed for a meeting during the last 12 months.

We've heard nothing further on the matter since then, apart from a brief note from Ishtar on 18 October.

Would you please advise whether and when you will commence meaningful engagement between our two organisations.

Thanks.

Yours sincerely

Roger Clarke  
Chair, for the Board of the Australian Privacy Foundation  
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Date: Thu, 2 Sep 2010 21:42:02 +1000  
To: Jane Horvath, Iarla Flynn  
From: Roger Clarke  
Subject: Re: Meeting with Google?  
Cc: Ishtar Vij, APF Board

Dear Jane, Iarla, Ishtar

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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

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Regards ... Roger (as Chair, APF)