



**Australian
Privacy
Foundation**

e m a i l: enquiries@privacy.org.au

w e b : www.privacy.org.au

27 May 2010

To:
Mr Iarla Flynn
Public Policy & Government Affairs
Google Australia Pty Ltd
Email - iflynn@google.com

CC: Office of the Privacy Commissioner

Retention of data relating to the Google Wi-Fi privacy breach

Request to consult prior to deletion

Dear Mr Flynn and colleagues,

This letter is an urgent request to Google to suspend any planned deletion of data collected during the Google Streetview capture of Wi-Fi meta-data and personal information in Australia. We also ask that you consult the Australian Privacy Foundation (APF) before taking any action to delete such data.

We understand that there may be some public interest grounds for prompt deletion of the data. However, the APF plays a role in promoting compliance with *all* privacy protection legislation in Australia, and this letter provides Google with formal notice that the APF is considering some legal courses of action that may require retention of the data.

At this stage we have not decided whether or not to pursue any action, but I am sure you are aware that Australian consumers have privacy rights under both the *Privacy Act 1988* and the *Telecommunications (Interception and Access) Act 1979*. These rights include the ability to approach regulators and the courts for civil remedies, either as individuals or as part of a collective action.

We are exploring these legal options and we will contact you as soon as possible with further details.

We understand (and would expect) that the data in question has been segregated from the corporation's other data, and is subject to additional levels of security. The risks arising from holding the data for a short period should therefore be manageable.

Please do not hesitate to contact us if you have any queries. For the purposes of communication on this matter you can contact Chris Connolly on behalf of the Board of the APF. His contact details are:

Chris Connolly
Member of the Board
Australian Privacy Foundation
Mobile: 0414 938942
Email: chrisc@galexia.com.au

As this is an urgent matter we will be communicating by email, and we have not sent a hard copy of this letter.

We hope to be in touch with you again shortly.

Yours sincerely,

Roger Clarke
Chair
Australian Privacy Foundation
APF Web site: <http://www.privacy.org.au>