

## Google Settles Privacy Suit with 36 States

November 21, 2013 - Google has settled a privacy lawsuit in which the State of Connecticut was the lead plaintiff among 36 states. The suit was based on claims that Google was circumventing the privacy settings on Apple's Safari web browser, allowing the company to track the viewing habits of consumers who use Safari to surf the internet. Although the fines that the company has agreed to pay are minimal, other terms agreed to in the settlement may be more effective at protecting consumer privacy.

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(function() {  
var s = document.createElement('SCRIPT'), s1 = document.getElementsByTagName('SCRIPT')[0];  
s.type = 'text/javascript';  
s.src = 'http://widgets.digg.com/buttons.js';  
s1.parentNode.insertBefore(s, s1);  
})();
```

```
(function() {  
var po = document.createElement('script'); po.type = 'text/javascript'; po.async = true;  
po.src = 'https://apis.google.com/js/plusone.js';  
var s = document.getElementsByTagName('script')[0]; s.parentNode.insertBefore(po, s);  
})();
```

In the lawsuit, Google had been accused of two things. First, they were allegedly overriding Apple's default privacy settings for Safari. Those settings are designed to prevent internet services from placing code - called "cookies" - on the user's computer which allows their viewing and purchasing habits to be tracked. This information is then used by marketers for advertisement targeting.

Second, the company was accused of misleading consumers about what they were actually doing. Specifically, Google was telling consumers that the default settings in Safari were sufficient protection to prevent cookies without consumer permission.

Under the terms of the settlement Google has agreed to a variety of code restrictions and to pay a \$17 million fine. The fine is unlikely to be an effective deterrent in ACCESS opinion. Based on Google's third quarter reporting results, the company generated \$14.9 Billion in revenue. That works out to around \$6.9 million per hour; meaning that the fine agreed to is less than three hours of revenue for the company.

The other restrictions of the settlement have the potential to be much more effective. With very limited exceptions, Google will be prohibited from using JavaScript (computer code) to override browser cookie blocking settings without consumer consent. The company has also agreed not to mislead consumer about how they can use Google's Ad Settings tool to manage their privacy. And finally, for the next five years Google is required to provide reports about cookies and how the company uses them.

All major web browsers provide users with the ability to accept or reject cookies. Many major websites however will not display properly, or will have reduced functionality, if cookies are not allowed. This means that consumers need to understand how their computers are configured and how to change their settings if they want to maintain their privacy.

by Jim Malmberg

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