



New Google Policy Reminds Us All of Trade-Off Between Privacy and Efficiency

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There has been much noise over [Google's new privacy policy](#), which is slated to take effect on March 1. It has been a cacophony of cheers and protestations. Some think the new policy brings clarity and transparency, while others complain it leaves consumers without control over their information. Above the hubbub, one thing is clear: at this point, users have to make a choice between new technologies and expectations of privacy.

The new policy will consolidate and streamline some 60 disparate policies of Google products and services. In the overview it has provided to users, Google says that it has tried to keep the policy as simple as possible. And it is an easy-to-read, relatively brief statement that is much more user-friendly than the agreements that we regularly click through in haste to access some enticing new service.

As a part of the new policy, Google will aggregate data it collects on users across its products (with the exception of Google Wallet and Google Books) and develop a "mega-profile" on each user. That data collection includes a user's Google searches, Gmail messages content, YouTube favorites, and contacts. It also includes location tracking.

Google touts the benefits of its new policy as creating "a beautifully simple, intuitive user experience across Google." For instance, if you search for pizza, the Google location tracker will look for a nearby pizza place. The Google calendar combination will provide reminders, based on your location, if you're going to be late for a meeting.

The benefits sound enticing, and the user-friendly format of the privacy policy is refreshing. Apparently, the Google Dashboard will allow you to review and control the information stored in your account.

But lest we forget, the reality is that Google has acknowledged that it is collecting massive amounts of data on its users. Regardless of the usefulness and efficacy of some of its new features, users are beholden to Google (1) to securely store and (2) to defend their personal data.



Much of the negative noise over the new privacy policy stems from the fact that Google accounts users will not be able to opt out of the new policy. To prevent data from being aggregated, they would have to jump through many hoops, including creating different accounts across Google apps.

This inability to opt out is one of the prime reasons that members of Congress have had questions about the new policy. Several members [sent a letter to Google CEO Larry Page](#), asking for detail on what would be collected, how it would be used, and what could come of that data. Google representatives ended up in a closed-door briefing with Congressional members on February 2. From initial reports, it does not appear that the members' concerns were satisfactorily addressed in the briefing. This gives reason to question what could become of individual user's "mega-profiles."

Google's new policy, and all the accompanying noise, serves as a good reminder that, in the age of new technologies, we are constantly waiving our privacy rights. How often do we click through a user agreement in haste so we can have access to a cool app? How often do we reflect on whether the benefits of the new technology truly outweigh the costs?

Compare the controversy over Google's new policy with [the recent Supreme Court holding in *United States v. Jones*](#) that warrantless GPS tracking of a criminal suspect violated the Fourth Amendment. Justice Samuel Alito's concurring opinion in the case hinted at lowering privacy expectations with new technologies: "The availability and use of these and other new devices will continue to shape the average person's expectations about the privacy of his or her daily movements." As we press forward in an age in which it is ever easier to get the who, what, when and why of each of us, based upon our own preference for convenience and coolness, we must face the consequences: Privacy will suffer, unless Congress does something about it.

FTC Beat is authored by the [Ifrah Law Firm](#), a Washington DC-based law firm specializing in the defense of government investigations and litigation. Our client base spans many regulated industries, particularly e-business, e-commerce, government contracts, gaming and healthcare.

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