

Exploring the

# Google™-verse Canada

PRIVACY, ANTI TRUST AND CORPORATE DOMINANCE

Google Search

I'm Feeling Lucky

Search:  the web  pages from Canada

[Advanced Search](#)  
[Preference](#)  
[Language Tools](#)

Google.ca offered in: [Français](#)

BY: NATHAN GRIFFITHS

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The very fact that the above examples might seem like trivial tasks underscores the tremendous impact that Google has had not only in the technology sector and as a corporate leader and innovator, but, more critically, on society as a whole. Many of the mundane tasks we take for granted, have been forever changed by Google's innovative touch. Google is huge, with offices and search engines in many languages and countries across the globe. They have even branched out from online ads into traditional print advertising. Their reach is such that they have expanded into geo-spatial imaging and tracking and, with the launch of Android, their open source mobile OS into the cellular world. It's almost as if the Googlebot has really taken control of the world . . .

## (RE-)INTRODUCING THE GOOGLEBOT

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In an astonishingly short period of time, Google has risen from an office run out of a friend's garage into an international corporate behemoth, headquartered in roughly two million square feet of Silicon Valley office space known as the Googleplex. Most impressively, they have managed to do it without the accompanying public distrust that has typically been associated with corporations such as Microsoft or Exxon Mobile. In fact, the situation is quite the opposite. Google has managed to consistently rate among the top corporate brands. They are known for hiring top minds from around the globe, and the stories of numerous, quirky job perks have reached near legendary proportions. Their corporate motto, "Don't Be Evil" is infamous. But the question remains, can Google maintain its trajectory of spectacular economic growth without compromising its own moral compass?



There are signs that cracks are beginning to form in Google's pristine public reputation. Google's acceptance of self-censorship as a condition for entry into the Chinese market made one of the biggest dents. The disturbingly accurate nature of the ads placed beside email in Gmail accounts was another, with some going so far as to accuse Google of reading individual emails. Most recently, Google has managed to anger many software developers working with Android, its mobile OS platform, over what many in the community see to be a betrayal of open source principles.

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Beyond the debate over Google's ability to maintain the moral high ground in the face of what many assume will be increasing pressure from shareholders to ensure profit margins; many are concerned about the increasing dominance of Google in the marketplace. Yet Google's co-founders, Larry Page and Sergey Brin, while struggling publicly with issues such as self-censorship in China, seem to have no

such qualms about their privacy or data retention policies. "Any web mail service will scan your e-mail," said Brin in a 2004 interview with Playboy magazine. "All I can say is that we are very up-front about it... It's automated. No one is looking, so I don't think it's a privacy issue." Of all its criticisms, it is the privacy issues, antitrust concerns, and worries over the phenomenal amounts of personal data that Google has gathered that rank highest among critics.

In October, 2008, while the US Department of Justice (DoJ) completed an antitrust investigation into the Yahoo-Google advertising agreement, Senator Kohl, chairman of the Antitrust Subcommittee, released an open letter to the DoJ, in which he requested the Department, "Continue to monitor the state of competition in [the online advertising] industry, whatever the outcome of its current investigation." His concerns were primarily focused around a revenue sharing agreement between Yahoo and Google, in which Yahoo agreed to outsource some of its online ad business to Google, and how such an agreement could lead to a virtual monopoly of the industry for Google.

## THE GOOGLE GRID

Senator Kohl's call for continued monitoring of the industry, and of Google in particular, is not alone. Many privacy experts and scholars are equally concerned with Google's relative dominance of the search industry, and the Internet in general. Rather than concerns



over market dominance, however, they worry about the impact of granting a single private company virtually unregulated control over the public's principle information gateway and about the collection of the unprecedented amounts of private data being generated by the millions of searches put through Google's servers everyday. Add to this the personal user data generated from email and blog accounts, Google Desktop indexes, and numerous other services offered by Google requiring user accounts, and a somewhat chilling portrait begins to form.

While Google's vision statement claims "Google's mission is to organize the world's information and make it universally accessible and useful," what uses Google should be able to put this data to is the subject of considerable debate. Governments, privacy experts, and advocates of all stripes are concerned over the long-term implications of leaving so much data in private hands.

Regulators in the European Union convinced Google and other search companies to greatly limit the length of time search data can be stored and many advocacy groups are pushing for even shorter storage times. Although Google ultimately complied, the company stresses that the purpose of its data collection is to help better target ads, improve user experiences, and increase ad relevancy. According to Urs Holgle, Google's Senior Vice President of Operations, "All data retention is a balance between user privacy and trust on the one hand,

and security and innovation on the other." Still, many are concerned about the sheer volume of data being collected. "From a practical point of view," says Helen Nissenbaum, Professor of Media, Culture and Communications at New York University, "they are too big. They operate in too many spheres of influence, collecting and storing user data [from various services] in a centralized repository."

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How that data is used is another point of contention for privacy groups. While Google's privacy policy (available on its website) states that consent is required for Google to use personal information "in a manner different than the purpose for which it was collected," concerns linger over both Google's ability and its willingness to stand by such claims. To this end, Nissenbaum, along with partner Daniel Howe, have created *Track Me Not*, a lightweight browser plug-in designed to limit the data-profiling abilities of search engines. *Track*

*Me Not*, like *Tor* and *Scroogle*, is one of a growing list of tools to help users improve their web privacy.

Proponents of Google, however, point to the 2005 battle between Google and the US Department of Justice, in which Google initially denied a DoJ demand to hand over user search logs containing potentially private or identifying information. Google was ultimately successful in its challenge to the DoJ's demands and provided the department with records only after making them anonymous. Kevin Ryan, CEO of Motivity Marketing and Global Content Director of Search Engine Watch, notes that "Google has been great at keeping data internal. [They] have consistently resisted government demands for user data." Critics, however, challenge that without regulation and public oversight, there is no guarantee that Google will continue to uphold such policies. In a world of post 9/11 security, one in which data-mining by both online companies and governments alike is increasingly common, many are concerned that Google's massive data-stores, filled with personal information from millions of users, are simply too sensitive to remain the sole property of a private corporation, unaccountable to the broader general public from which it gathers both info and profit. "The truth is we don't really know what they do with the data," says Nissenbaum "and they aren't prepared to tell us."

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and the importance of online search in accessing and shaping public knowledge, search engines should be elevated to the level of an essential public service, much like the telephone or the electric grid. Rather than operate in the black box of private enterprise, search engines should be subject to regulatory oversight and held accountable to the general public. Some would like to see a basic privacy framework developed by regulators. "What's needed are a few basic principles for private companies to base their policies on," recommends Nissenbaum.

Ryan believes that government intervention is inevitable, the only question is when. "Legislative bodies aren't equipped to handle legislation right now," he says. Policy makers can't keep pace with technological change, and as a result we are experiencing what he calls "Search Case Law 101." According to Ryan, "the rules for search are being built right now, case by case," whether the public realizes it or not. He points to a recent SEC ruling allowing public companies to use their websites for the dissemination of information rather than requiring the specific use of news services, since web crawlers, such as those used by Google, are cheaper and more efficient tools for gathering and disseminating data.

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