



DATA PRIVACY: MONTHLY HIGHLIGHTS

| DON HARRIS

Two of the world's largest and most influential Internet companies, Facebook and Google, experienced extraordinary privacy melt-downs in May, arguably the most severe in their corporate history. Facebook's involved a global tsunami of backlash against its most recent changes in privacy policy and settings, while Google's was an international firestorm ignited by the revelation that the company had surreptitiously collected personal data from unsecured wireless networks around the world.

That both privacy melt-downs occurred together in the same month as the release of Rep. Boucher's long-anticipated federal online privacy bill is equally astonishing, as noted by the CDT's Jeffrey Chester, who called the confluence of the three events "the perfect storm" that could drive major changes in how personal information is protected in the United States. What better way to tee up the need for stronger legal protections for privacy in the US, with its tradition of enacting laws in response to abuses, than to have both Facebook and Google dramatically demonstrate their failure to properly regulate themselves? The fact that the world's privacy regulators have gotten up to speed on leading technology issues – which hasn't been true until recently – and are independently pursuing the development of new legal frameworks for protecting privacy, also increases the likelihood that 2010 will be remembered as a watershed year in the history of privacy.

Of the two fiascos, Google's is by far the more severe. The revelation that the company had been vacuuming 600 gigabytes of personal data from unsecured wireless networks for over three years came at the worst possible time, as it was negotiating its response to

unprecedented joint pressure from ten privacy commissioners over its general approach to privacy protection. As Marc Rotenberg of EPIC observed, "This may be one of the most massive surveillance operations by a private corporation that has ever occurred." To have it emerge at the time it did might be compared to having a defendant's court hearing on minor charges interrupted by an indictment for murder. The result is that Google is now facing criminal and regulatory investigations in a dozen countries, including the US, as well as at least four lawsuits that may gain class action status here at home.

Ironically, Google's privacy disaster played out against the back-drop of the nation's worst oil spill ever, both events calling into question the reliance upon cutting-edge technologies in unregulated environments. That Google "didn't know" what its software was doing is in many ways scarier than the plumes of oil spewing out of the Gulf of Mexico sea-bed. Something is seriously wrong, to paraphrase the second preamble to the EU Data Protection Directive, when data-processing systems, designed to serve man, fail to protect their fundamental rights and freedoms, notably the right to privacy, and the system designers are not even aware of it. 🌐

About the Author: *Don Harris is a Global Data Privacy Expert with Jeitosa and the President of HR Privacy Solutions. He has over 20 years of experience and is internationally known expert, author and speaker on HR data privacy issues. He can be reached at don.harris@jeitosa.com.*