

DATA PROTECTION ACT 1998

UNDERTAKING

Data Controller: Google Inc.

Google Inc.
1600 Amphitheatre Parkway
Mountain View, CA 94043
USA

I, Alan Eustace, Senior Vice President of Google Inc. am authorised to sign documents for and on behalf of Google Inc. For and on behalf of Google Inc., but not in my personal capacity, without any admission of liability I hereby acknowledge the details set out below and confirm that Google Inc. undertakes to comply with the terms of the following Undertaking:

1. Google Inc. is the data controller as defined in section 1(1) of the Data Protection Act 1998 (the "Act"), in respect of the processing of personal data gathered in the UK by vehicles in the Google Street View vehicle fleet. Google Inc. is referred to in this Undertaking as the "**data controller**". Section 4(4) of the Act provides that, subject to section 27(1) of the Act, it is the duty of a data controller to comply with the data protection principles in relation to all personal data in respect of which it is a data controller.
2. The Information Commissioner (the "**Commissioner**") was informed by Google, with reference to a public Google blog, that Google Street View vehicles, which had been adapted to collect publicly available wi-fi radio signals, had mistakenly collected payload data, likely to include a very limited quantity of emails, URLs and passwords.
3. Google's purpose had been to identify wi-fi networks and to map their approximate location using the GPS co-ordinates of the GSV car when the radio signal was received. The aim was to build and improve the geo-location database for location-based mobile applications.

4. The Commissioner has considered the data controller's compliance with the provisions of the Act in the light of this matter. The relevant provision of the Act is the First Data Protection Principle. This Principle is set out in Schedule 1 Part I to the Act.

Following consideration of the remedial action that has been taken by the data controller, the Commissioner has decided in the light of evidence available to him that he will:

- Close his investigation of this matter; and
- Not exercise his enforcement powers including by serving an Enforcement Notice under section 40 of the Act.

In consideration of this, the data controller undertakes as follows:

The data controller is obliged under the Act to process personal data in accordance with the first Data Protection Principle in Part 1 of Schedule 1 of the Act. The data controller shall, as from the date of this Undertaking and for no less than three years hereafter, and in an effort to ensure that personal data are processed in accordance with the first Data Protection Principle in Part I of Schedule 1 to the Act:

1. Continue and update orientation programs designed to provide Google employees with training on Google's privacy principles which are set out online (currently at http://www.google.com/corporate/privacy_principles.html) and which are consistent with the privacy laws of the UK.
2. Institute a policy that requires Google employees to be trained on Google's code of conduct. The code of conduct includes sections on privacy and the protection of user data that are consistent with the privacy laws of the UK.
3. Enhance the core training for engineers and other important groups with a particular focus on the responsible collection, use and handling of data.
4. Institute a security awareness program for Google employees, which will include guidance on both security and privacy.
5. Institute a policy that requires engineering project leaders to maintain a privacy design document for each initiative they are working on which involves the processing

of significant user data, and a policy that such document should (a) record how such user data is handled and (b) be reviewed regularly by managers.

6. Within nine months from the date of the undertakings, facilitate a consensual audit by the ICO, the objective, framework and scope of which is set out in Schedule 1 of this Undertaking. Further implementation details are to be agreed in advance between Google and the ICO.

7. Delete payload data that has been identified as having been collected by Google in the UK, to the extent that Google has no other outstanding legal obligation to retain such data.

Schedule 1 Audit Scope

Objective: Review of Google Inc.'s ("**Google**") enhanced privacy processes in response to Street View Wi-Fi collections, as announced by Google in a Blogpost on October 22, 2010 ("**Processes**"). Such Processes are reflected in the form of an undertaking at points 1 to 5 above.

Framework: Google will conduct an internal assessment and provide a confidential written report ("**Privacy Report**") to the Commissioner. This Privacy Report will analyze Google's implementation of the privacy process changes it outlined on October 22, 2010 as it applies to Google's UK operations. The Information Commissioner's Office may then validate the Privacy Report's accuracy and findings via an in-person review of the Privacy Report at Google's U.S. headquarters and at the offices of Google's UK subsidiary. Google shall provide the Privacy Report to the Commissioner before such meeting.

Scope of audit: Google's Privacy Report will cover the following areas:

1. Internal Privacy Structure

As announced on October 22, 2010, Google has appointed Dr. Alma Whitten as Director of Privacy across Engineering and Product Management. Google will provide the Commissioner's Office with details regarding the development of Dr. Whitten's Privacy Team, other privacy focused teams, and their initiatives within Google. It will also analyze cross-functional privacy efforts across engineering, product management, compliance and internal audit functions.

2. Privacy Training & Awareness

The Privacy Report will provide an overview of Google's revamped privacy training and awareness efforts. It will summarize the substance of training and awareness initiatives provided to Google employees, engineers, product managers, as well as employees in the legal, sales, and human resources departments. Furthermore, the report will identify the owners of these training modules.

3. Privacy Reviews

An assessment of Google's privacy reviews for products will be conducted. Among other things, the report will discuss the implementation of Privacy Design Documents, and analyze related processes including code audits undertaken against these documents. The Privacy Report will also provide the Commissioner's Office with an overview of reviews such as Google's annual Safe Harbor certification, and other processes in place to assure compliance with UK laws and privacy principles.

Dated.....

Signed.....

Alan Eustace
Senior Vice President
For Google Inc.

Signed.....

Christopher Graham
Information Commissioner