

Press Release

3 November 2010

Information Commissioner announces outcome of Google Street View investigation

Google UK will be subject to an audit and must sign an undertaking to ensure data protection breaches do not occur again or they will face enforcement action, Information Commissioner Christopher Graham said today.

The Commissioner has concluded that there was a significant breach of the Data Protection Act when Google Street View cars collected payload data as part of their wi-fi mapping exercise in the UK. He has instructed Google UK to sign an undertaking in which the company commits to take action to ensure that breaches of this kind cannot happen again. An audit of Google UK's Data Protection practices will also be undertaken. The Commissioner has rejected calls for a monetary penalty to be imposed but is well placed to take further regulatory action if the undertaking is not fully complied with.

International data protection authorities that undertook in-depth investigations found fragments of personal data including emails, complete URLs and passwords. Following the admission by Google that personal data had indeed been collected, and the fact that Google used the same technology in the UK, the Commissioner decided that formal action was necessary.

The Commissioner is also requiring Google to delete the payload data collected in the UK as soon as it is legally cleared to do so. The Metropolitan Police has indicated that they are not pursuing an investigation.

Information Commissioner, Christopher Graham, said:

"It is my view that the collection of this information was not fair or lawful and constitutes a significant breach of the first principle of the Data Protection Act.

"The most appropriate and proportionate regulatory action in these circumstances is to get written legal assurance from Google that this will not happen again – and to follow this up with an ICO audit."

ENDS

If you need more information, please contact the ICO press office on 0303 123 9070 or visit the website at: www.ico.gov.uk

Notes to Editors

1. The first data protection principle states that personal information should be processed fairly and lawfully.
2. Google has agreed in principle to the following:
 - To continue and update orientation programs designed to provide Google employees with training on Google's privacy principles and the requirements of UK data protection law.
 - To institute a policy that requires Google employees to be trained on Google's code of conduct, which includes sections on privacy and the protection of user data and the legal requirements applying to the protection of personal data in the UK.
 - To enhance the core training for engineers and other important groups with a particular focus on the responsible collection, use and handling of data.
 - To institute a security awareness program for Google employees, which will include clear guidance on both security and privacy.

- To institute a policy that requires engineering project leaders to maintain a privacy design document for each initiative they are working on, and a policy that such document should (a) record how user data is handled and (b) be reviewed regularly by managers.
 - Within nine months from the date of the undertakings to facilitate a consensual audit by the ICO of the above internal privacy and security practices.
 - To delete the UK payload data it collected, to the extent that Google has no other outstanding legal obligation to retain such data.
3. Under the Data Protection Act the Information Commissioner may, with the consent of the data controller, assess their processing of personal information. These audits have a key role in educating and assisting organisations to meet their obligations.
 4. The scope of an audit is agreed with the data controller and focuses on business processes or functions responsible for processing and protecting personal data. The audit consists of a review of relevant policies, procedures and guidance and an on site audit consisting of meetings with staff and the inspection of records, processes and controls.
 5. The main output from the consensual audit is a report which provides findings and details recommendations. In addition an executive summary is produced, which, with agreement with the organisation, is made available via our website.
 6. A copy of the Information Commissioner's letter to Peter Fleischer at Google is available on the ICO website here:

http://www.ico.gov.uk/~media/documents/library/Corporate/Notices/google_inc_gsv_letter_03112010.ashx