



STATE OF NEW YORK
EXECUTIVE DEPARTMENT
STATE CONSUMER PROTECTION BOARD

Eliot Spitzer
Governor

Mindy Bockstein
Chairperson and Executive Director

May 1, 2007

By Facsimile

Deborah Platt Majoras
Chairperson
Federal Trade Commission
600 Pennsylvania Avenue, N.W.
Washington, D.C. 20580

Re: DoubleClick Inc. and Google, Inc. Merger

Dear Chairperson Majoras:

As the chief consumer advocate for New York State, the New York State Consumer Protection Board ("CPB") joins with privacy advocates in voicing our concern regarding the privacy implications of the DoubleClick Inc. ("DoubleClick") and Google, Inc. ("Google") merger.

The combination of DoubleClick's Internet surfing history generated through consumers' pattern of clicking on specific advertisements, coupled with Google's database of consumers' past searches, will result in the creation of "super-profiles," which will make up the world's single largest repository of both personally and non-personally identifiable information. If the combined information is used in the consumers' best interests, online advertising would be more useful, as consumers would be "hyper-targeted" for advertisements in which they have demonstrated interest. Advertisers would spend less and achieve more. However, in the worst case scenario, this repository of super-profiles could, for example, be made available to secondary users including marketers without consumers' knowledge or consent, as well as made public as evidence in litigation or through data breaches.

In the best interest of consumers, we call for a halt to the merger until the Federal Trade Commission ("FTC") has fully investigated Google's planned use of the data post-merger. Further, we urge the FTC to require Google to make full and public disclosure of its current data collection practices and contemplated data collection practices post-merger. Google must establish a publicly disclosed, clear and conspicuous data collection policy. This data collection policy should provide for, among other things, strict data security; consumer access to personally identifiable information and ability to delete or edit inaccurate

information; an opt-out mechanism for exclusion from Google's database; and remedies in the event of a data breach or failure to comply with a consumer's opt-out request.

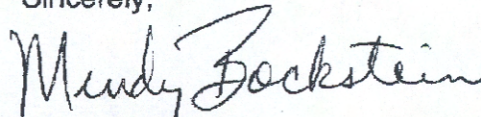
Further, in support of the request recently made by the Center for Democracy & Technology, we respectfully request that the Federal Trade Commission convene a public workshop on the issues. Your intervention is necessary to ensure that safeguards are in place to protect personal data and avoid the chilling effect that unrestrained data collection could have on the Internet. This would likely occur if consumers become mistrustful of using the Internet for fear of identity theft, the dissemination of incorrect information, and embarrassment, for example.

The issue of information privacy has become a critical one for the New York State CPB in its mission to protect our consumers. Earlier this year, the CPB, on behalf of Governor Eliot Spitzer, put forth an "Information Brokers Bill." This bill provides new privacy protections for New York State consumers' confidential personal information by placing restrictions on businesses that have been created for the sole purpose of collecting, analyzing, and selling personal information and which have generated large electronic databases containing this data. Among other provisions, the proposal authorizes consumers to opt-out of inclusion in the database by having their names placed on an "exclusion list" or by advising an information broker directly. The measure further provides that, upon a consumer's request, an information broker must disclose the consumer's personal information retained in their database and requires them to establish appropriate safeguards to ensure security and confidentiality of the data subject's records. The bill authorizes the CPB to bring enforcement actions for violations of these restrictions, including injunctions and civil penalties, and provides for private actions.

Technology is advancing at a pace never before seen, and although there are many benefits, government should act to ensure that the public's fundamental right to privacy is not abridged.

Thank you for your consideration. I look forward to your favorable response.

Sincerely,



Mindy Bockstein
Chairperson and Executive Director

Cc: Commissioner Pamela Jones Harbour
Commissioner Jon Leibowitz
Commissioner William E. Kovacic
Commissioner J. Thomas Rosch