

# Google and the Cost of 'Free'

*Do you use Google Search, Gmail, Google Docs or Google Drive?*

*Google is watching, always watching!*

If your school district or town/city staff use Gmail, Google Docs and Google Drive to exchange information and share or store documents, the terms of Google's terms may be surprising and cause for concern. This review highlights the implications for confidential and personal data.

This review is based on the Google Privacy Policy dated 19 August, 2015 and Google's standard Terms of Service dated 14 April, 2014. Both were the most-current versions as of 23 February, 2016. To download copies, see the links below:

[https://www.google.com/intl/en/policies/privacy/google\\_privacy\\_policy\\_en.pdf](https://www.google.com/intl/en/policies/privacy/google_privacy_policy_en.pdf)

<https://www.google.com/policies/terms/>

## Introduction

Google's products are easy to use and helpful, e.g. Google Search, Maps, Docs, Drive and Google Apps for Education. The "free!" price makes Google solutions hard to resist for individuals, companies, cities, towns and schools on limited budgets. It is important to understand Google's goals, however, to understand the full implications of this 'free' stuff. As my mother often said, "If it sounds too good to be true, it probably is."

- **Google's goals:** Google is a for-profit corporation, not a charitable .ORG. Google products, including Google Search, Google Docs, Google Maps, Google Drive and 'Apps for Education' (GAPE) are designed to serve the financial interests of Google and their shareholders.
- **'No cost' does not mean 'free':** Google needs to make a profit like every company. If Google offers products to you, cities, towns and schools at 'no charge', Google needs to earn money from its investment in another way. Always keep this in mind: how can Google profit from your information?
- **Marketing vs. legal terms:** Friendly descriptions are offered for Google Search, Google Docs and Google Drive. For example:

"The main types of data we collect are based on the actions you take using our services, your basic account details and the things you create. When you use our services — for example, do a search on Google, get directions on Google Maps, or watch a video on YouTube — we collect information based on the things you do, so we can make our services work better for you. When you sign up for a Google Account, we keep the basic account information you give us, like your name, email, and

password. And we store and protect what you create using our services, so you will always have your emails, photos, videos, and documents when you need them. We also give you tools to control the types of data we collect and use.”

When you read this, it may sound like Google’s sole purpose is to serve you, e.g. “...so we can make our services work better for you.” Always remember, Google is in business to make a profit and drive up the value of Google shares – like any corporation. Ask yourself, “How will Google earn money from my ‘free’ use of this Google product?”

## Key Concerns in Google’s Terms of Service and Privacy Policy

It is always important to look past marketing hype to the contracts that govern what a company can and cannot do – the tiny type in the “click here to accept” menus that pop up, which few people ever read.

To Google’s credit, they make their intentions very clear. Nothing is hidden; you just have to read Google’s Terms of Service and Privacy Policy: Here is a summary:

- ▶ **Everywhere you are:** Google can constantly track and record your location, linked to what you do online. Were you were at John’s house when you sent that email? Google knows.
- ▶ **Everything you search for:** Google can record your searches, the web sites, stories, videos, photos and products you click on, and what you read.
- ▶ **Everything you create:** If you create a document on Google Docs, Google has the right to do almost anything with it, e.g. use, copy, save, analyze, publicly display, publish and distribute copies.
- ▶ **Everything you share:** Google can record every email you send and receive via Gmail – including the entire message and attached documents and photos. Even if you do not use Gmail, but the recipient does, Google can record your email and any documents, photos or videos attached to it.
- ▶ **Everything you store:** Whatever you store on your Google Drive, Google can keep and copy, analyze, publicly display, publish, distribute copies, etc.
- ▶ **Everything you use:** Google can record all of the specs for the computers, tablets and cell phones you use.
- ▶ **Everything is connected:** Google can analyze and connect every word, name, phone number, location, photo, video, document, email, purchase, and web search they collect, with the exact date and time, every day, year after year. Does any person have this much information about you and what you do?

- ▶ **Worldwide:** You give Google a full worldwide license. This also includes any company, person or organization they work with. Yes, any and every.
- ▶ **Forever:** All of these rights and data live on for Google, forever. Did you write a letter on Google Docs when you were 13 years old, that you hope no one ever sees? Google can keep a copy and publish it at any time.
- ▶ **Few limits:** What the Google Terms of Service and Privacy Policy do not say is as important as the words they contain. For example, are there any *limits* on Google's ability to use, copy, save, analyze, publicly display, publish and distribute everything you do? Not many. We summarize key clauses and definitions below. Read Google's documents if you want to know more.

## Key Terms in Google's Terms of Use and Privacy Policy

1. **Rights you give to Google:** This is the key section of Google's Terms of Use agreement, where you give Google a broad license to your information:

“Some of our Services allow you to upload, submit, store, send or receive content. You retain ownership of any intellectual property rights that you hold in that content. In short, what belongs to you stays yours.

When you upload, submit, store, send or receive content to or through our Services, you give Google (and those we work with) a worldwide license to use, host, store, reproduce, modify, create derivative works (such as those resulting from translations, adaptations or other changes we make so that your content works better with our Services), communicate, publish, publicly perform, publicly display and distribute such content.”

OK, now read this again, more carefully. Note three key facts: (1) Google first says “you own it”, then (2) Google says you give Google a worldwide license, and (3) anyone Google works with receives the same broad license.

So, you own it, but you give Google (and any company, person or organization they work with) the right to use, reproduce, publish, change and perform it.

Think about all of the implications.

Imagine that you outline an important new business idea with Google Docs, write an intimate letter to your husband / wife or girlfriend / boyfriend, or write a confidential message about a student or employee with psycho/social issues, then save it on Google Drive or send it via Gmail. You just gave Google – and *any* company, person or organization Google “works with” -- a broad license to do what they want with your document and photo.

- 2. Rights you give up -- forever:** The license you give in Google's Terms of Use agreement lives on, even if you completely stop using any Google product:

This license continues even if you stop using our Services (for example, for a business listing you have added to Google Maps).

So Google and any company / organization they work with can continue to use your data, documents, photos, videos, etc.

- 3. You are liable:** Remember that you give Google a broad license to *anything* you send, save or store via any Google system? Did you send or save a document, photo or video that *someone else* created via Gmail or Google Drive? There is an interesting sentence in Google's Terms of Use:

Make sure you have the necessary rights to grant us this license for any content that you submit to our Services.

Read that sentence again and consider what it means. Google is apparently saying that you must be sure *you own* whatever you send or save via Gmail and Google Drive – because you are granting Google (and anyone they work with) that broad license to use, copy, save, modify, distribute, perform etc.

- 4. Google logs all of your devices:** Google automatically tracks and logs the details about your computer, tablet and smart phone, as part of the profile they build about you. From the Privacy Policy:

We collect device specific information (such as your hardware model, operating system version, unique device identifiers, and mobile network information including phone number). Google may associate your device identifiers or phone number with your Google Account.

- 5. Google tracks where you are:** As Google collects data about you, their systems logs the location of your computer, tablet or smart phone. What did you do a Google search for, from that apartment in Boston? Google knows what, when and where. Think about what this can mean... From the Privacy Policy:

When you use Google services, we may collect and process information about your actual location. We use various technologies to determine location, including IP address, GPS, and other sensors that may, for example, provide Google with information on nearby devices, WiFi access points and cell towers.

- 6. Are you on Google's internet billboards?** Google also claims the right to use your photo and info in their ads – anytime and anywhere for any product. From the Privacy Policy:

If you have a Google Account, we may display your Profile name, Profile photo, and actions you take on Google or on third party applications

connected to your Google Account (such as +1's, reviews you write and comments you post) in our services, including displaying in ads and other commercial contexts.

Note: you can turn off these “shared endorsements”, but you have to sign up for a Google+ account first. See: <https://plus.google.com/settings/endorsements>

- 7. Google analyses your data:** Google can automatically analyze everything you create, send, receive and store via a Google service. From the Privacy Policy:

Our automated systems analyze your content (including emails) to provide you personally relevant product features....

This sounds positive and friends, but read it carefully; “...to provide you personally relevant product features” covers almost anything Google and their partners might send, display and advertise to you. “Analyze” includes any type of computer analysis Google might perform, e.g. indexing all of your data, logging key words, cross-referencing to other data sources, predictive analysis, etc.

- 8. Google connects your data:** Google combines the information they gather about you from all of their services – your email, Google searches, Web browsing history, documents stored on Google Docs, Google Maps searches, where you go, etc. Then Google can link this profile to ‘Big Data’ with your credit card purchases, mortgage, travel records, political contributions, etc – to build a complete profile of who you are and what you do. From the Privacy Policy:

We may combine personal information from one service with information, including personal information, from other Google services....

Now it should be clear how Google makes money from all of their ‘free’ services. If you had very detailed information on hundreds of millions of people, who might want it – to try to sell you something or...

- 9. Google can send your data anywhere in the world:** Your files, data, emails etc can be sent to / from, analyzed and stored on any Google server, anywhere. From the Privacy Policy:

Google processes personal information on our servers in many countries around the world. We may process your personal information on a server located outside the country where you live.

Note: Remember that the license you granted to any company Google works with, described on page 3? These companies / organizations can also send, analyze and store your data anywhere they please, worldwide.

- 10. Only with your consent?** Google’s Privacy Policy includes a section that appears to emphasize that your data will be shared only with your consent:

**Information we share**

We do not share personal information with companies, organizations and individuals outside of Google unless one of the following circumstances applies:

- **With your consent**

We will share personal information with companies, organizations or individuals outside of Google when we have your consent to do so. We require opt-in consent for the sharing of any sensitive personal information.

As with other sections of the Privacy Policy, this sounds good – right? Your consent is required. Now recall the license you granted to Google in the Terms of Service described on page 3. You gave your consent to use, host, store, reproduce, modify, create derivative works, communicate, publish, publicly perform, publicly display and distribute your data, worldwide, with no time limit. You gave the same consent and rights to any company, person or organization Google works with.

- 11. The Privacy Policy only applies to Google:** Even with all of these exceptions and caveats, Google’s Privacy Policy only applies to Google – not any of those companies, people or organizations Google “works with”:

Our Privacy Policy does not apply to services offered by other companies or individuals, including products or sites that may be displayed to you in search results, sites that may include Google services, or other sites linked from our services.

How will all of those other companies, people and organizations that Google “works with” protect your data? Google won’t even tell you who they are.

- 12. Additional Google privacy terms:** Google includes additional privacy terms for specific products, e.g. the Google Chrome Web browser. Google’s standard Privacy Policy generally applies, with additional terms and details. For example:

- Google Chrome web browser and OS:

<https://www.google.com/intl/en/chrome/browser/privacy/>

- 13. But can’t I delete all of the data Google stores about me?** Again, read the details carefully. For example, Google describes how you can delete your Google Account: <https://support.google.com/accounts/answer/32046?hl=en>

Here is what this page says:

### **Delete your Google Account**

Deleting your Google Account affects all data associated with that account and any services you use, like Gmail, Google Play, and YouTube.

You can delete your Google Account at any time, but you may not always be able to restore it.

### **What happens when you delete your account**

Once you delete your Google Account, you'll no longer be able to use the following:

- Services that require you to sign in, like Gmail, Drive, and Calendar
- Data associated with your account, including emails, photos, and records of transactions
- Subscriptions and content you purchased on YouTube, like movies and TV shows
- Content you purchased on Google Play, like movies, games, or music
- Information you've saved in Chrome
- Your Gmail username. Once it's deleted, you can't use it again later, and you can't create a new Google Account with the same username

Note the focus: deleting your Google Account will affect *your use* of Google apps. No mention is made of Google deleting / destroying your data. Remember that you gave them a perpetual worldwide license. Also remember that your data could have been sent to any number of companies, organizations and people that Google "works with". There is no requirement that they destroy the copies of your data they hold.

So we have to conclude that the answer is, "No. You can delete your Google Account, but Google and their partners can keep your data."

**We welcome a response and clarifications from Google.** If we misunderstood any of the terms of these agreements, or if Google does not claim the rights described here, we hope that Google will respond. As of 23 February, 2016, we sent three letters to Google via Federal Express, but received no reply.

Please contact us if you have any questions: [WaylandCPI@verizon.net](mailto:WaylandCPI@verizon.net)

Massachusetts Privacy Project