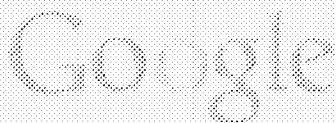


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1) Who you are and a brief summary of your career history

- My name is Daphne Keller and I am a Legal Director and Associate General Counsel for Google Inc. I have been an employee of Google Inc. for seven years.

2) The inquiry wishes to understand the extent to which your organisation is based in the UK. Where are your servers located? Do you consider the UK courts to have jurisdiction over the way in which your business is operated in the UK, and how far does this jurisdiction extend?

- In the UK, we have over 1,000 staff working on advertising sales, software development and other functions in London and Manchester, employed by Google UK Limited, a company incorporated under the law of England and Wales. However, our search engine services are owned and operated by Google Inc., which is incorporated under the laws of Delaware and is based in California, USA. Google UK Limited does not provide the Google search engine service.
- The bulk of Google's computing power and storage facilities are housed in data-centers. We do not own a data-center in the UK but we do have them around the world, including in Europe. More information can be found at: <http://www.google.com/about/datacenters/locations/index.html> (see Annex 1). However some high bandwidth data, such as video, is temporarily cached on servers in the UK in order to help speed up the service for users.
- Although search engine services are owned and operated by Google Inc. in the USA, we have chosen to operate our UK-directed services, such as the [google.co.uk](http://www.google.co.uk) search engine, consistently with UK law. Similarly other services, such as our [google.de](http://www.google.de) service and our [google.fr](http://www.google.fr) service, are operated based on the law of the country to which they are directed. Accordingly, we do remove search results on [google.co.uk](http://www.google.co.uk) when we receive reliable, valid notice that the indexed site is included in violation of UK law. This includes both private parties asserting that an indexed site violates their rights, and court orders in which a court has adjudicated the issue. Examples include those referred to by the High Court in Metropolitan International Schools Ltd v Design Technica Corporation et al, [2009] EWHC 1765 (QB) (see paragraph 62).
- We work hard to be transparent about these requests and publish statistics about our removals online: <http://www.google.com/transparencyreport/> (see Annex 2). The latest UK entry, covering January to June 2011, records seven court orders from the UK requesting the removal of 43 items from our search index. The report currently only covers removal requests from government entities.

3) To what extent do you consider yourself to be responsible for the content of websites which your search engine displays?

- As a search engine, we are not responsible for the content of third party websites. For instance, a newspaper is responsible for the content it produces on its online site. Where Google comes in is that we provide a way for users to find that published material online. We can and do remove links from our search index but we cannot and do not remove content from the internet. Even where we have removed a link, the page itself is still available by other means.
- We do remove items from search when their inclusion contravenes the law of the land. People can request removals from Web Search and other Google services at www.google.co.uk/support/conf/legal (see Annex 3). People can also request removal of certain security-sensitive private information, such as bank account and credit card information, without specifying a legal basis.

4) Can your search engine be adapted so that users in the UK could see one set of results but others searching in a different country could see a different set of results? Just to be clear: the inquiry is aware that users in the UK can set their search results to only display results from the UK. However, it wishes to understand whether your company could prevent or block users in the UK from accessing materials which persons in other countries can see?

- We can and do tailor our google.co.uk service for UK users to improve their experience and to respect UK law. For example, when we receive a valid legal notice that a particular search result is defamatory under UK law we remove it from the google.co.uk service. More generally, our UK search service on google.co.uk features search results designed for UK users, such as by prioritizing UK football results rather than US football results.
- [Google.co.uk](http://google.co.uk) is the default search engine for users in the UK – if a user coming to our google.com service appears to be coming from the UK and has not specified another preference, we will automatically redirect them to our google.co.uk service.
- Google does not take measures to prevent UK internet users from accessing Google's other sites around the world, including google.com. In theory a search engine could be built that attempted to block users in a particular country from seeing individual search results that people in other countries could freely see, although such blocking would be imperfect and could be circumvented. Google believes that this would be harmful to free expression and users' rights to access information, particularly for users in countries with repressive regimes.

- Removing particular pages from our search results does not make those pages inaccessible to internet users. Google is not the only means to “discover” content online - links to interesting information are widely shared by email, social networking services such as Facebook or Twitter, or via other websites. Furthermore, a user who knows the page’s web address or URL can type it into a browser to visit the page. A “Google search removal” cuts off one means of discovery, but the underlying content does not go away. Because of this, we encourage users who have concerns about a particular webpage to contact the webmaster. When the webmaster removes or modifies a page, this solves the problem at its root. Changes are reflected in Google’s search results as we continue to re-crawl the web and update our index. If a change is urgent -- for example, if the webmaster has removed defamatory or privacy-invasive content, or used standard technical measures to prevent indexation -- Google provides tools (<http://support.google.com/webmasters/bin/answer.py?hl=en&answer=164734>; see Annex 4) to remove the outdated content swiftly from its index. Both webmasters and private complainants can use our automated tools to accomplish this.

5) If yes does your company ever do this? Would it consider doing so, for example, in order to comply with a court order in the UK?

- Please see discussion in response to Question 4 above.

6) Does your company have any policy which relates to complaints about articles or web pages which are libellous, defamatory or considered to be an invasion of privacy? Do you remove availability to such pages on that basis in the UK?

- As discussed above, it is our policy to process removals based on UK law for results on our google.co.uk services. When a complainant identifies URLs listed in violation of UK law, we have a streamlined process for taking them down.
- More information on the removals process is set out in www.google.co.uk/support/cool/legal (see Annex 3).
- Our “notice and removal” practice reflects the principles of the European Union’s Directive on E-Commerce, enacted in 2000 and brought into force in the UK in 2002; and by the UK implementing legislation, The E-Commerce (EC Directive) Regulations 2002 (SI 2002 No 2013).
- As a search engine, we are not responsible for the content of third party websites. We can and do remove links from our search index but we cannot and do not remove content from the internet. Even where we have removed a link, the page itself is still available by other means.

7) We understand that your search engine provides an aggregated news service. Where is this news obtained? What steps are taken to ensure that the news contained therein is accurate? If a news item is later shown to be inaccurate (for example following legal action) what steps do you take to remove it?

- Google News is a specialized search engine that operates in a manner similar to our general search engine but focusing on public web news sources, and in some cases using additional licensed images and other content. It groups similar stories together and can display them according to each reader's personalized interests. Click on the headline that interests you and you will go directly to the site which published that story.
- As with general search we have no influence over the news reported on the websites that we index. If an article is removed from the web then it will automatically stop appearing in Google News as our crawl refreshes the indexed content. News site operators can also request expedited removals if they have changed or withdrawn their published stories. We also remove content from our News service when we receive a valid legal notice.
- As with Google search, Google News aims to deliver to the user the most relevant results from online news sources. We do not create or edit the news articles that we help users to find. It is not our place to verify the accuracy of or otherwise vet every news article in the service.

8) How do you consider yourself to be regulated?

- Google Inc. is a Delaware registered company, with its headquarters in California, and is listed on the New York Stock Exchange. As such, it is subject to numerous U.S. state and federal regulations.
- As a UK business, Google UK Ltd complies with all relevant UK laws, including in the areas of employment, environmental, tax, property, etc.
- As a matter of policy, Google Inc. complies with UK law with respect to its google.co.uk service, including in those areas listed above.
- Google also adheres to a wide range of industry codes and practices, such as, for example, those of the Internet Watch Foundation and the Internet Advertising Bureau.

9) The inquiry would also welcome your views on the extent to which the content of websites, and the manner in which you operate, can be regulated by a domestic system of regulation?

- The internet is already regulated well in a number of ways and there are clear and well-defined rules around liability that we believe are crucial to the functioning of the internet.
- The internet is subject to national and European regulation. It has also developed global self-regulatory traditions and multi-stakeholder governance and many services rely upon users to help identify content that does not meet the terms and conditions that the service provider wishes to impose.
- At the same time, one of the cornerstones of regulation among many countries has been a system of rules that define liability for intermediaries (for example see the UN Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, http://www2.ohchr.org/english/bodies/hrcouncil/docs/17session/A.HRC.17.27_en.pdf; see Annex 5).
- In the UK, liability of intermediaries is limited by the UK's transposition of the E-Commerce Directive cited above. These provisions are fundamental to the operation of an online service, and are the legal basis for flourishing of such platforms around the world. Without them, many of the world's most popular services, which allow internet users to communicate and find information, would find it impossible to operate. The internet services regulated by the balanced provisions of the E-Commerce Directive have in turn provided the economic, cultural and social opportunities that we witness today on the internet.

Request for documents

- In the above response, we have referred to documents as appropriate, and included links to them, with copies in the Annexes. In providing this response we have elected not to waive privilege in information or documents.

Daphne Keller
Legal Director and Associate General Counsel, Google Inc.
December 22 2011