

Appendix 8 – The Privacy Rights Clearinghouse’s Application for *cy pres* Funds in *In Re: Google Buzz Privacy Litigation* (submitted to the Rose Foundation Mar. 14, 2011)

Application Coversheet

1. Name of Applicant Organization and EIN Number March 14, 2011

Privacy Rights Clearinghouse, an independent program of the Utility Consumers’ Action Network, a 501(c)(3) nonprofit organization. **EIN Number: 33-0002313.**

Type of organization: 501c(3) Other - *Please describe:* _____

2. **Contact Information:**

Hibnick v. Google Inc.

Doc. 121 Att. 8

Contact Person, Title Beth Givens, Director Telephone: (619) 298-3396
Address 3100 5th Ave., Suite B Email: bethg@privacyrights.org
San Diego, CA 92103

3. **Financial Information:**

- (a) Your organization’s overall annual 2011 operating budget: **\$376,387**
- (b) Total amount of money spent on Internet privacy or Internet education programs in 2010: Approximately 60% of our 2010 budget, \$313,972, or **\$188,383**. [The portion of our 2011 budget spent on Internet privacy education is higher, approximately 80%.]
- (c) Total amount of funding your organization received, if any, in contributions from Google, Inc. or the Google Foundation in 2010: **None**
- (d) Amount of funding you are requesting from this Settlement fund: **\$265,000**

4. **The PRC’s existing policy or education programs concerning Internet privacy issues – the number of years you have had programming focused on Internet privacy.**

Guides: Our Internet-related education began **16 years ago in 1995** with the publication of “Privacy in Cyberspace,” which has since been updated many times. We have published several more Internet-specific guides since then, including social networking, security breaches, employee monitoring, anti-spam resources, children’s online safety and privacy, online shopping, online job scams, smartphones, and online privacy for nonprofits. We have also included information on online privacy in many more of our guides, including identity theft, medical records, SSNs, responsible information-handling practices, stalking, public records, and employment background checks. All of our guides, and a great deal of additional information, are posted on our website, www.privacyrights.org, consisting of more than 500 pages of content. **Individual assistance:** We invite consumers’ questions and complaints in what we call our “Dear Abby” function. About half of our assistance is Internet-related. **Data brokers:** Our resources on online data brokers were first published in 2004 and remain the most comprehensive list regarding this industry. **Alerts:** We publish numerous online-related “Alerts,” which are emailed to our 6,000+ subscribers and posted on our website – at least one per month. **Media:** About half of our media interviews and media “mentions,” a potent form of consumer education, are on the topic of online privacy (nearly 300 in 2010). **Social networking:** We use social media on a daily basis to inform consumers about online privacy issues. We currently have nearly 1300 Twitter followers and over 800 Facebook fans. These numbers increase each day. **Policy -- regulatory agency comments and legislation:** Regarding policy, we have submitted comments to the FTC, FCC, Commerce, and HHS on online privacy issues. We have actively supported online privacy-related legislation in the California Legislature since the mid-1990s.

5. **The particular program that funding from this Settlement would support and how it would benefit the Class by furthering policy or education concerning Internet privacy.**

A significant amount of Internet-related educational resources are text-based, including our own. We propose to develop a fun and engaging interactive learning experience for consumers on online privacy risks and practical privacy protection tips using graphic presentations, including videos, photos, diagrams, and screen shots. The online learning experience (a complete microsite) will be visually interesting, include interactive quizzes, and offer ways to share the content via social networking channels such as Facebook and Twitter. The site will offer up to 50 pages of educational content covering about twenty different online privacy topics, including browser settings, cloud computing, social networks and cookies.

Narrative:

Introduction:

The Privacy Rights Clearinghouse (PRC) is a nonprofit consumer education and advocacy organization, established in 1992, and based in San Diego, California. It has a national presence.

The PRC's staffing level is four full-time equivalent employees: Beth Givens, Founder and Director, with more than 30-years experience in successful program management, grant compliance, consumer education, and policy advocacy; Paul Stephens, Director of Policy and Advocacy (part-time), with expertise in administrative law and wide range of informational privacy issues; Amber Yoo, Communications Director, with expertise in social media and nonprofit marketing; Meghan Bohn, Staff Attorney, with expertise in electronic privacy issues and intellectual property; and Tena Friery, Director of Research (part-time), with expertise in regulatory agency filings, and in several informational privacy subject areas.

4. Describe any of your organization's existing policy or education programs concerning Internet privacy issues – make sure to include the number of years you have had programming focused on Internet privacy.

Our history of education programming on Internet privacy: Our Internet-related education began 16 years ago in 1995 with the publication of "Privacy in Cyberspace." This Fact Sheet has since been updated many times and is currently titled "Online Privacy: Using the Internet Safely." The original guide even preceded our website, which was launched in 1996.

Today, our website has more than 500 pages and provides extensive information and resources on online privacy-related issues. We extensively redesigned our website in November 2009. Our site receives about 300,000 unique visitors each month. For many topics, our site is listed among the top "hits" for the major search engines, including the topic "Internet privacy."

Guides: As mentioned above, our Internet-related education began in the mid-1990s with the publication of "Privacy in Cyberspace." We have published several more Internet-specific guides since then, including:

- social networking
- security breaches
- employee monitoring
- anti-spam resources
- children's online safety
- children's online privacy
- online shopping
- online job scams
- smartphones
- online privacy for nonprofits.

In addition, we include information on online privacy in many more of our guides, including:

- identity theft
- medical records and PHRs (personal health records)
- Social Security numbers
- responsible information-handling
- stalking
- public records
- employment background checks.

Individual assistance: We invite consumers' questions and complaints in what we call our "Dear Abby" function. About half of our direct assistance is Internet related. This direct one-to-one contact with consumers is especially valuable in noting emerging issues and trends. For example, we have led the way in compiling complaints and filing public comments about the unregulated industry of online data brokers, based largely on the questions and complaints we have received from individuals who have contacted us.

Data brokers: Our resources on online data brokers were first published in 2004 and remain the most comprehensive online compendium regarding this industry. This topic is consistently among the top issues on our hotline (phone and email). We have filed several comments with the Federal Trade Commission, calling for their increased scrutiny of this unregulated industry.

Alerts: We publish numerous online-related "Alerts," which are emailed to our 6,000+ subscribers and posted on our website – at least one per month. Recent alerts have included: do not track, smartphone geotagging, online reputation management, social networks, computer zombies, and malicious links.

Media: About half of our media interviews and media "mentions" are on the topic of online privacy. Media coverage is a potent form of consumer education, reaching an untold number of

individuals. In 2010, the PRC was mentioned in nearly 300 media outlets (newspapers and online sources, radio, TV).

Social networking: We actively use social media to inform consumers about online privacy issues. We currently have nearly 1300 Twitter followers and over 800 Facebook fans. These numbers increase each day. We send “tweets” to our “followers” one or more times each day, and update our Facebook page frequently.

Policy -- regulatory agency comments and legislation: Regarding policy, we have submitted numerous comments to the FTC, FCC, NTIA (Commerce), and HHS on online privacy issues. In early 2011, we filed comments with both the U.S. Department of Commerce and the Federal Trade Commission about online privacy policy in response to their reports on this topic.

We have also participated in national coalitions with other privacy and consumers groups nationwide in advocating for strong federal online privacy legislation. And in California, the PRC facilitates a coalition of state privacy and consumer groups and hosts an annual meeting to develop strategies for pro-consumer privacy-related legislation in the California Legislature. Increasingly, such legislation is Internet-related. The PRC has actively supported online privacy-related legislation in the California Legislature since the mid 1990s.

5. Describe the particular program that funding from this Settlement would support and describe how it would benefit the Class by furthering policy or education concerning Internet privacy.

A significant amount of Internet-related educational resources are text-based, including our own, although educational videos are increasing in number. We propose to develop a fun and engaging interactive online learning experience using graphic presentations. These resources will be of use to all consumers, but will be especially useful to individuals who, for any number of reasons, are more likely to benefit from graphic presentations (pictures, diagrams, screen shots, flash animations) than print-based resources.

Microsite that provides graphic instructions on online privacy settings:

The Problem: Americans now spend as much time online as they do watching television, spending an average of 13 hours per week browsing the Internet, using social networks and shopping online. Yet Americans are largely unaware of online privacy risks and how to protect themselves. And those who are aware of such risks may not know how to take steps to protect their privacy and secure their personal information.

The Solution: We propose to develop an interactive learning experience for consumers on online privacy risks and practical privacy protection tips. The online learning experience (a complete microsite) will be visually interesting with an emphasis on graphic tutorials. It will include interactive quizzes, and offer ways to share the content via social networking channels such as Facebook and Twitter. The site will offer up to 50 pages of educational content covering about twenty different online privacy topics, including browser settings, cloud computing, social networks and online information brokers.

A. Topics to address on the microsite may include, but are not limited to, these:

- | | |
|--|---|
| 1. browsers | 10. online shopping |
| 2. behavioral advertising/ targeting and do not track | 11. encryption |
| 3. social networking | 12. cookies, web beacons, and flash cookies |
| 4. computer security (firewalls, anti-virus, anti-malware) | 13. IP addresses and anonymizers |
| 5. drive-by downloads (war-driving) | 14. malicious links |
| 6. automatic updates | 15. cloud computing |
| 7. avoiding p2p networks | 16. privacy policies and terms of service |
| 8. secure password creation | 17. Virtual Private Networks (VPN) |
| 9. Wi-Fi hotspots | 18. instant messaging and chat rooms |
| | 19. online banking and bill paying |
| | 20. scams and other illegal activities |

Each topic will include a concise and easy-to-understand written overview, an engaging image, two to three video tutorials (that are also posted on YouTube), and a before-and-after quiz. Users will be able to share quiz results, privacy tips, and video tutorials via social networking channels.

The site will be designed in a way that is easy to navigate. The site's design will have two primary goals: to educate and engage. The idea will be to keep visitors engaged in the learning process and encourage return visits. The topics will be laid out in a logical format so that visitors can move from topic to topic in a way that allows them to gradually build a solid foundation of online privacy issues and solutions. To facilitate this, the site will offer a "progress bar" (similar to the one offered by LinkedIn for new users). The progress bar will "fill up" as the visitor progresses through the video tutorials and quizzes. The goal is for visitors who complete the learning process to come away with a better understanding of what the privacy risks are online and with foundational knowledge for how to protect themselves.

- B. We will provide tie-ins from the pages listed above to existing PRC Fact Sheets for more detailed information. This will be a two-way street. In order to be as informative as possible, our existing Fact Sheets are text-heavy. We cover privacy issues in a great deal of depth, and our guides often exceed ten pages. We will link from our Fact Sheets to the visual guides and vice-versa.
- C. An example of the type of interactive educational content we will provide: For the browsers topic, we will include a functionality that shows all the cookies, flash cookies, type of browser, operating system (OS), IP address, and other types of information that can be seen by any site anytime you visit a site. Existing examples are: <http://panoptickick.eff.org/> and www.TraceMyIp.org. Our functionality will have features of both. Based upon the type of browser detected with the above functionality, we will provide a walk-through visual explanation on how to adjust the browser settings to maximize privacy. We will cover the major browsers: Microsoft IE, Mozilla Firefox, Google Chrome, and Apple Safari.

Budget narrative:

We request \$265,000 for this project.

- The majority of this amount is for the services of a contractor, an individual or company with expertise in instructional design who can develop the graphic presentations in an engaging manner. We will seek an individual or company proficient in all the major browsers and operating systems. We have already solicited three estimates for this project, and our budget is based on these estimates.
- The technologies and features covered by this proposed project are expected to change. In fact, change is a given in the online privacy arena. The budget includes funding to develop, maintain and update the microsite for a total of three years. The majority of the work would be completed in the first year.
- The budget also includes funding for our own in-house administrative costs for managing this project.
- Finally, the budget includes the cost of our own website administrator.

Conclusion:

We sincerely appreciate the opportunity to submit this proposal for consideration for funding. If you have any questions or need additional information, do not hesitate to contact PRC director Beth Givens.